

So, you want to run a food business?

Food Safety Unit

OFFICIAL

Contents

Important things to know	1
What do the food laws mean for me?	2
Food business classes	2
Can I run a food business from home?	2
Where do I start?	3
Who do I apply to for permission to operate my business?	3
Temporary and mobile premises – state-wide approval	4
What do I need to do to register under the Act?.....	5
What is a food safety supervisor?.....	6
What formal training do I need?.....	6
What if I plan to build or renovate a food premises?	6
What labelling do I need on packaged food?	7
More information on food safety programs (class 1 and 2 activities)	7
To find out more	8
Publications and resources	8
Contacting us.....	8
Other contacts.....	9

Important things to know

If you are thinking about buying an existing food business or starting your own, there are some important things to know. This publication will tell you about:

- how Victorian laws, particularly the food laws, affect what you might be planning to do in your new food business
- how to meet your obligations
- how to get more help and information if you need it.

What do the food laws mean for me?

A business that sells food in Victoria must register the place where they sell or prepare the food - their 'food premises' – with the relevant local council. This applies even if you do not charge directly for the food but include it as part of another service, such as for promotional purposes, tourist packages, at a bed and breakfast, or a community group fundraiser.

Making and selling food carries certain responsibilities. The food must be safe to eat and free of any contamination. Poisoning your customers is no way to stay in business!

Victoria's food laws are part of a national food safety strategy that aims to have consistent food safety standards across Australia.

If you plan to run a food business, you need to be familiar with the national Australia New Zealand Food Standards Code (the Code). The Code covers:

- what can and should be in foods
- what must be included on labels and packaging
- how to manage food safety in your business (Chapter 3 - Food Safety Standards).

The Code is available on the [Food Standards Australia New Zealand \(FSANZ\) website](http://www.foodstandards.gov.au/code/Pages/default.aspx): <www.foodstandards.gov.au/code/Pages/default.aspx>.

For more information, visit [the FSANZ website](http://www.foodstandards.gov.au) at: <www.foodstandards.gov.au> or call 1300 652 166.

Food business classification

Local councils classify all food businesses in their municipality according to the highest risk food activity undertaken at the food premises. Depending on the premises' food handling activities, different regulatory requirements apply under Victoria's *Food Act 1984* (the Act). There are five classes of food business in Victoria, with class 1 premises having the highest risk and class 4 the lowest.

As you would expect, requirements for premises carrying out only lower risk food handling activities, such as a greengrocer, are much simpler than for a restaurant or nursing home where more complex food preparation can increase the chances of something going wrong.

Your local council environmental health officer (EHO) can tell you what class your food premises falls within and whether you will need to register annually with your council or only notify council of your operations once. If your business only undertakes low-risk food activities, such as a newsagency or a bottle shop selling only pre-packaged low-risk foods, you may only need to notify your principal (local) council that you will be running a food business. You will need to do this only once. You do not need to obtain formal annual approval through registration.

For an indication of which class your proposed food business activity falls within, go to the Department of Health's (the department) [website, Health.vic - Food businesses](https://www.health.vic.gov.au/food-safety/food-businesses) <https://www.health.vic.gov.au/food-safety/food-businesses>.

Running a home-based food business

Depending on your activities, you must either be registered with, or notify, your local council to operate a food business from home.

If you are thinking about running a food business from home, your local council EHO can advise you how to comply with the Act and the Code.

The department has a short animation on starting a home-based food business, which is available from [health.vic](https://www.health.vic.gov.au/food-safety/starting-a-food-business) at <https://www.health.vic.gov.au/food-safety/starting-a-food-business>.

Where do I start?

One of the best places to start is talking with your local EHO. Whether you are thinking about buying an existing business or even operating from home, EHOs can guide you towards making your plans a reality, with the least amount of fuss.

You can also find some more information on the department's website, [health.vic](https://www.health.vic.gov.au/public-health/food-safety) <<https://www.health.vic.gov.au/public-health/food-safety>>.

Preparing food for customers is different to preparing food for yourself and your family. The amounts will probably be larger. The time between preparing and eating your food might not be so predictable. You might have customers who are allergic to some types of food.

Here are a few things you should think about before taking the big step.

- What laws will affect my plans?
- Do I know enough to make sure the food I sell is safe?
- Will I need a planning permit from the local council?
- If I want to alter the building, do I need a building permit from council?
- Will the kitchen equipment and storage facilities be appropriate for the things I plan to do?
- Is there a dedicated place to wash and dry my hands before I start preparing food?
- Is there enough room in the fridge to safely store the amount of food I plan to make?
- Will I need a food safety supervisor for my business?

Where do I apply for permission to operate my business?

Fixed premises

Who you apply to for permission depends on the type of food business that you plan to operate. If you operate from a fixed premises – such as a café, shop, or factory – then you must contact the local council in whose municipality your premises is located. You can search for the relevant council on the [Know your council website](https://knowyourcouncil.vic.gov.au/): <<https://knowyourcouncil.vic.gov.au/>>.

Other specialist regulators cover a small number of primary food processing businesses, such as butchers and dairy manufacturers.

Look at the table below to see who your business' food regulator is.

Table 1: Determining your fixed premises food regulator

The main food business activity at a fixed premises	Your food regulator
Selling uncooked meat or chicken (for example, a butcher's shop), processing meat or chicken, or, making smallgoods, or transporting meat or fresh chicken.	PrimeSafe tel: (03) 9685 7333 web: < https://www.primesafe.vic.gov.au/ > A licence is required.
Selling, transporting, preparing, or processing fish or seafood.	PrimeSafe tel: (03) 9685 7333 web: < https://www.primesafe.vic.gov.au/ > A licence is required.

The main food business activity at a fixed premises	Your food regulator
Manufacturing ice cream and/or frozen yoghurt at a fixed premises and selling it on-site or from a van or stall.	Your local council Registration is required, and classification is based on the food handled.
A dairy farm, a dairy manufacturer, a dairy distribution business, dairy wholesaler, or a dairy food carrier (such as a milk tanker).	Dairy Food Safety Victoria tel: (03) 9810 5900 web: < https://www.dairysafe.vic.gov.au/ > A licence is required.
Selling, making, transporting, or preparing other foods or a range of foods at a shop, factory or at other permanent building.	Your local council Registration or notification is required, and classification is based on the food handled.

Temporary and mobile premises – state-wide approval

If you plan to operate a temporary or mobile business – such as a stall, a food van or trailer, a vending machine, you occasionally use a hall, or if you operate as a private water carter, then in most cases you will only have to register or notify with your ‘principal council’.

Look at the Table 2 to see which food regulator is the right one for your business.

Table 2: Determining your temporary or mobile premises food regulator

The main food business activity at a temporary or mobile premises	Your food regulator
Selling packaged meat at a market from a PrimeSafe licensed meat transport vehicle.	Your principal council (as outlined in Table 3).
Selling packaged meat at a market from any other vehicle or stall.	Your principal council (as outlined in Table 3). You can register on FoodTrader : web: < https://foodtrader.vic.gov.au >
Selling raw fish or seafood from a van or stall. Note: the sale of mainly raw fish or seafood at portable food premises is regulated by PrimeSafe, not by local government.	PrimeSafe tel: (03) 9685 7333 web: < https://www.primesafe.vic.gov.au >
Selling dairy foods, including ice cream and/or frozen yoghurt, from a van or stall.	Your principal council (as outlined in Table 3). You can register on FoodTrader : web: < https://foodtrader.vic.gov.au >
Selling any other food from a stall, van, or hall you use occasionally, or from a vending machine.	Your principal council (as outlined in Table 3). You can register/notify in FoodTrader : web: < https://foodtrader.vic.gov.au >
Selling water for human consumption from a water transport vehicle.	Your principal council (as outlined in the following table).

Businesses regulated by local council

Regardless of where you plan to trade with your mobile or temporary premises, you will need to contact your 'principal' council. This applies regardless of whether or not your local council, PrimeSafe or Dairy Food Safety Victoria regulates your premises.

Your principal council is the Victorian council in whose district your food is prepared or stored, your stall, van or trailer is garaged, or your business is based.

Table 3: Who is your principal council?

Food businesses that operate from a stall, van, trailer, or vending machine	Your principal council
Food that is usually prepared or stored before it is sold.	Where your food is usually prepared or stored. For example, if your food is stored in Richmond, your principal council is Yarra City Council.
Food that is not usually prepared or stored before it is sold.	The main place where your equipment is stored, or your vehicle is garaged.
Neither of the above.	Where your usual business address is located.
The food business is not based in Victoria.	Where your stall, van, trailer, vehicle, or machine will first operate in Victoria.

Your principal council will issue a single, statewide registration certificate (usually for a 12-month period) if your premises is classified as class 1, 2, 3A or 3, or acknowledge your once-off notification if your premises is classified as class 4. This entitles you to operate anywhere in Victoria, provided you lodge a 'statement of trade' (also known as a SOT) that lets the council, in whose district you plan to trade, know where and when you will be operating. This makes it simple for food businesses to trade in different council municipalities.

For further details, go to [health.vic](https://www.health.vic.gov.au/food-safety/food-businesses): <<https://www.health.vic.gov.au/food-safety/food-businesses>> or [FoodTrader](https://foodtrader.vic.gov.au) (previously known as Streatrader) at: <<https://foodtrader.vic.gov.au>>.

You will also be able to use the online FoodTrader portal to lodge and manage your applications and registrations/notifications.

You can log in to FoodTrader at any time and update your business and premises details.

What do I need to do to register under the Act?

It is important to contact your local council EHO to discuss the nature of your proposed food business. They will advise you of the probable class of your food premises – class 1, 2, 3, 3A or 4 – depending on your activities. This will help ensure you follow the right steps to obtain permission to operate.

Food businesses involved in handling unpackaged high-risk food must have a food safety supervisor. This includes all class 1, class 2 and class 3A food businesses. Class 1 and some class 2 premises will also need to have a food safety program. You will find further information about these requirements on the next page.

Given the lower risks associated with class 3 food premises – those that generally only work with pre-packaged high-risk food or unpackaged low-risk food – there is no requirement by law to have a food safety program or a food safety supervisor. Class 3 premises are not required to keep minimum records, except for warehouses and distributors (these premises are required to keep a food suppliers record).

What is a food safety supervisor?

If your business is classified as a class 1, 2 or 3A premises, you are required to have a food safety supervisor under the Act.

The food safety supervisor needs to know about food safety, have the *ability* to supervise food handlers, and the *authority* to give directions if unsafe food practices are observed.

A registered training organisation can provide a *Certificate of Attainment* showing that the relevant competencies have been completed. You will need to show the certificate to your local council EHO if requested to do so.

For more information about the role and requirements of a food safety supervisor, go to [health.vic – food safety training, skills and knowledge](https://www.health.vic.gov.au/food-safety/food-safety-training-skills-and-knowledge) <<https://www.health.vic.gov.au/food-safety/food-safety-training-skills-and-knowledge>>

What formal training do I need?

Everyone who handles food in your business needs to know how to do their job safely, regardless of whether the activity is class 1, 2, 3A, 3 or 4.

If your business is required to have a food safety supervisor, they must have specific, formal qualifications from a registered training organisation.

Your food handling staff are not currently required under the Act to hold formal qualifications or attend a training course. It is important, however, to make sure that food handlers within your business have the skills and the knowledge of food safety and food hygiene for the work they do. Sometimes the best way of giving staff this knowledge is to send them to a formal course, but other options include:

- on-the-job training under a more experienced staff member
- formal recognition of people's experience in other food businesses
- self-instruction using written material
- running in-house training sessions
- completing DoFoodSafely, the department's [free online learning program](http://dofoodsafely.health.vic.gov.au) for food handlers: <<http://dofoodsafely.health.vic.gov.au>>.

You should be aware of the training your staff receive and your local council EHO may check.

What if I plan to build or renovate a food premises?

If you are planning to build or substantially renovate a food premises, contact your local council early in the process – before you apply to register the premises.

Council can advise you on what is required by law before any building works start.

If you are only altering the fit-out in an existing building, and approval from council is not required under building law, you may not need to prepare a plan for council.

Plans are not required for registration under the Act.

It is wise, however, to consult council before you alter the premises to ensure that the premises is suitable and will comply with the Code. This will avoid you having to undertake costly remedial work if the fit-out does not meet all legal requirements.

What labelling do I need on packaged food?

There are uniform standards for the labelling of packaged food around Australia. If you import, manufacture or package food, you must know about these standards. They are contained in part 1.2 of [the Code](#) and can be found at: <www.foodstandards.gov.au/code/Pages/default.aspx>.

If you are going to produce packaged food for retail sale, factsheets are available from your local council. You should also look at the Food Standards Australia New Zealand website; it gives important information about labelling and a range of tools to help you with compliance requirements. The [web address](#) is: <<http://www.foodstandards.gov.au/industry/labelling/Pages/default.aspx>>

More information on food safety programs (class 1 and 2 activities)

What is a food safety program?

All class 1 and some class 2 premises are required to have a food safety program (FSP). This is a written plan showing how your business will manage the safety of the food you prepare, serve, manufacture, or sell. It is your plan for serving safe food that makes for a healthy business.

If your business needs a food safety program, it is a legal requirement that you have it in place **before** you open.

Food safety programs are based on the principles of HACCP (Hazard Analysis Critical Control Point), an internationally accepted prevention and risk-based food safety system. Food safety programs need to be reviewed annually to make sure they are still relevant. Your local council can advise you further about your obligations.

How do I get a food safety program?

If your local council classifies your activity as class 1 – because your food is prepared specifically for ‘at risk’ people (such as the very young, the elderly or people in hospitals or nursing homes) – then you will need to have your own food safety program written. A department-approved food safety auditor must audit your food safety program. The auditor checks whether your food safety program is adequate for your food handling activities, and whether you are complying with it. You may choose a private auditor or an auditor from your local council if they provide that service.

If your business is classified as class 2, and you will be undertaking any of the eight high-risk food activities covered in the Act (see the department’s [health.vic page](#): <<https://www.health.vic.gov.au/food-safety/frequently-asked-questions-about-the-food-classification-and-regulatory-changes>>), you are required to have an FSP. You can choose to either have a non-standard FSP or use the department’s registered standard FSP (providing it covers the high-risk food process(es) that you will be undertaking). The department’s free, standard FSP template can be accessed and customised online at [FoodTrader](#) <<https://www.foodsmart.vic.gov.au/>>.

While some food safety templates are free, others must be purchased. The FSP template you decide to use should be the one that is most appropriate for your business activities. Your local council EHO can help you decide.

Many existing businesses already have a food safety program in place. If you are buying an existing business, ask to see the food safety program and check if it is included in the sale of the business.

You should also check with the local council to see if there are any existing Enforcement Orders over the premises – or you can ask whether a local council EHO can inspect the premises, as these issues would need to be fixed before you can open.

If you are planning to use an existing food safety program for a business you buy, you must review the whole food safety program so that it reflects the food handling activities at your new business.

What do I need to know about auditing?

If you do not use the department's registered standard FSP, but write your own program, your business will need to be audited annually at your cost by a department-approved food safety auditor.

For more information about food safety auditing, visit the health.vic webpage – [Food safety audits and assessments](https://www.health.vic.gov.au/food-safety/food-safety-audits-and-assessments) <<https://www.health.vic.gov.au/food-safety/food-safety-audits-and-assessments>>.

To find out more

- Visit the department's [health.vic - Food safety](https://www.health.vic.gov.au/public-health/food-safety) webpages: <<https://www.health.vic.gov.au/public-health/food-safety>>.
- Speak with your local council EHO for detailed food safety advice.
- Ring the department's Food Safety Hotline toll-free on 1300 364 352 during business hours.
- Visit [Business Victoria](https://business.vic.gov.au/) at <<https://business.vic.gov.au/>>.
- Visit the [Food Standards Australia New Zealand website](http://www.foodstandards.gov.au) at: <www.foodstandards.gov.au>
- Contact relevant industry associations, as many provide advice about buying and selling food businesses.

Publications and resources

The department's health.vic website holds a range of resources to assist food businesses with food safety:

- [guides and publications](https://www.health.vic.gov.au/food-safety/food-safety-library) <<https://www.health.vic.gov.au/food-safety/food-safety-library>>
- [FoodSmart](https://www.foodsmart.vic.gov.au/en/), the departments on-line food safety program template: <<https://www.foodsmart.vic.gov.au/en/>>
- [DoFoodSafely](http://dofoodsafely.health.vic.gov.au), the department's free online learning program for food handlers <<http://dofoodsafely.health.vic.gov.au>>

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[email](mailto:foodsafety@health.vic.gov.au): <foodsafety@health.vic.gov.au>

FoodTrader

[web](https://foodtrader.vic.gov.au): <https://foodtrader.vic.gov.au>

DoFoodSafely

[web](http://dofoodsafely.health.vic.gov.au): <<http://dofoodsafely.health.vic.gov.au>>

FoodSmart

[web](https://www.foodsmart.vic.gov.au/): <https://www.foodsmart.vic.gov.au/>

Other contacts

PrimeSafe

PO Box 2057

South Melbourne VIC 3205

phone 03 9685 7333

[web](https://www.primesafe.vic.gov.au/): <https://www.primesafe.vic.gov.au/>

Dairy Food Safety Victoria

PO Box 8221

Camberwell North VIC 3124

phone: 03 9810 5900

[web](https://www.dairysafe.vic.gov.au/): <https://www.dairysafe.vic.gov.au/>

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