

# Guidelines for New and Transferring Food Businesses



Health Services

July 2016

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## Section 1 - Introduction

In Victoria, all businesses that prepare, store and handle food for sale must comply with the *Victorian Food Act 1984* ('*Food Act*') which incorporates the Australia and New Zealand Food Standards Code.

All businesses that handle, store or prepare food for sale must be registered with the local Council under the provisions of the *Food Act 1984*. All new food premises must be inspected by Council's Environmental Health Officer and approved for registration before they can commence trading.

When purchasing an existing food premises, the *Food Act 1984* registration must be transferred from the name of the existing proprietor to the name of the purchaser.

These *Guidelines* have been designed to provide information to assist you in understanding and meeting the requirements for Latrobe City Council to approve or transfer the registration of your food premises under the provisions of the *Food Act 1984*.

*Note:* Operating a food premises without registration is an offence under the *Food Act 1984* and a person found guilty of the offence is liable to a fine of up to \$14,000.

The information contained within these guidelines has been prepared as guidance material to assist local businesses to comply with the *Food Act 1984* and Food Standards Code Australia New Zealand.

It is recommended that the *Food Act 1984, AS 4674-2004 (Construction and fit out of food premises)*, and Food Standards Code Australia New Zealand. are used in conjunction with these guidelines.

## Section 2 - Food Act Classifications

The *Food Act 1984* regulates the sale of food and beverages for human consumption.

There are four classes of food premises; Class 1, Class 2, Class 3 and Class 4. The new classification system means regulatory requirements are better matched to the level of food safety risk associated with the food handling activities at different types of premises.

Class 1 has the highest and Class 4 the lowest level of legal requirements. In summary, the new classes are:

- Class 1 - hospitals, child care centres and aged care services which serve food.
- Class 2 - other premises that handle high risk unpackaged food.
- Class 3 - premises that handle unpackaged low risk food or high risk pre-packaged food, warehouses and distributors.
- Class 4 - premises undertaking low risk activities, including the following:
  - the sale of shelf stable pre-packaged low risk food such as confectionery, crisps, frozen ice cream, UHT milk, bottled drinks - for example, newsagents, pharmacies, video stores and some milk bars;
  - the sale of packaged alcohol - for example, bottle shops;
  - the sale of uncut fruit and vegetables - for example, farmers markets, green grocers and wholesalers;
  - wine tasting (which can include serving low risk food or cheese);
  - the sale of packaged cakes (excluding cream cakes) at community events;
  - the supply of low risk food, including cut fruit, at a sessional children service; and
  - simple sausage sizzles at stalls, where the sausages are cooked and served immediately at community events. This means sausages, sauce, onions and bread. This does not include hamburgers or other high risk foods.

**Class 1, 2 and 3** premises must **register** with the Council.

**Class 4** premises must **notify** the Council of their operations.

Refer to Department of Health & Human Services website for further details on Food Act classifications

**<https://www2.health.vic.gov.au/public-health/food-safety/food-businesses/starting-a-food-business>**

## **2.1 Class 1 Food Premises**

### **What is a Class 1 Food Premises?**

Class 1 food premises are those that predominantly handle potentially hazardous food that is served to vulnerable groups, such as in hospitals, child care centres providing long day care, and aged care facilities such as nursing homes and hostels.

### **What regulatory requirements apply to Class 1 Food Premises?**

Class 1 premises provide food to the vulnerable population in our community including the frail, aged, seriously ill and the very young. These groups of people are more vulnerable to the severe consequences of food poisoning.

Class 1 food premises must:

- ensure food that is sold or prepared for sale is safe to eat;
- register annually with Council;
- be inspected by Council when first registered or when registration is transferred to a new proprietor;
- have a Food Safety Program which is tailored specifically for the food premises (an independent or non-standard program);
- keep a copy of the Food Safety Program on site;
- have a Food Safety Supervisor with the necessary skills and industry accredited training;
- undergo two mandatory compliance checks each year, that is:
  - a Council assessment of the premises and Food Safety Program compliance; and
  - an audit of the Food Safety Program by a Department of Health & Human Services approved auditor to determine adequacy and compliance.
- The auditor must provide an audit certificate to the council within 14 days of giving the certificate to the business. That certificate must be either:
  - a certificate of compliance; or
  - a certificate detailing that corrective actions have been taken to address deficiencies or any outstanding matters, if an audit has revealed non-compliances at the premises.
- Should the auditor identify any deficiencies that may lead to a serious risk of food being sold or prepared that is unsafe or unsuitable then the auditor must inform the council and the department's Food Safety Unit of the department as soon as practicable.

For further information, see *Section 7: Food Safety Programs*, page 23 and *Section 8: Food Safety Supervisors*, page 25.

## **2.2 Class 2 Food Premises**

### **What is a Class 2 Food Premises?**

Class 2 food premises are those whose main activity involves handling unpackaged potentially hazardous foods which require temperature control during the food handling process, including cooking and storage.

These include restaurants, fast food outlets, pubs, caterers, delicatessens, supermarkets with delicatessens/bakeries/butchers, cafes and most manufacturers.

### **What regulatory requirements apply to Class 2 Food Premises?**

A Class 2 food premises must:

- ensure food that is sold or prepared for sale is safe to eat;
- register annually with Council;
- be inspected by Council prior to initial registration or transfer of registration to a new proprietor;
- ensure that the premises has a Food Safety Supervisor with the necessary industry related skills and accredited training;
- have a Food Safety Program;
  - a standard template registered with the Department of Health & Human Services; or
  - a Food Safety Program developed by the food proprietor that is tailored specifically for the food premises (an independent or non-standard program).
- keep the Food Safety Program on site at the premises;
- if using an independent non-standard Food Safety Program - an audit by a Department of Health & Human Services approved auditor; or
- if using a standard food safety program – an assessment will be made by an Environmental Health Officer for compliance; and
- The auditor must provide an audit certificate to the council within 14 days of giving the certificate to the business. That certificate must be either:
  - a certificate of compliance; or
  - a certificate detailing that corrective actions have been taken to address deficiencies or any outstanding matters, if an audit has revealed non-compliances at the premises.
- Should the auditor identify any deficiencies that may lead to a serious risk of food being sold or prepared that is unsafe or unsuitable then the auditor must inform the council and the department's Food Safety Unit of the department as soon as practicable.

For further information, see *Section 7: Food Safety Programs*, page 23 and *Section 8: Food Safety Supervisors*, page 25.

## **2.3 Class 3 Food Premises**

### ***What is a Class 3 Food Premises?***

Class 3 food premises are those whose main activities involve the sale of foods not commonly associated with food poisoning. This includes the supply or handling of unpackaged low risk foods, and/or sale of pre-packaged potentially hazardous foods which need temperature control to keep them safe.

Premises that fall into Class 3 may include milk bars, convenience stores, fruit stalls selling cut fruit and wholesalers distributing pre-packaged foods.

### ***What regulatory requirements apply to Class 3 Food Premises?***

A Class 3 premise must:

- ensure that food that is sold or prepared for sale is safe to eat;
- register annually with Council;
- be inspected by Council when initially registered, or on transfer of the food premises to a new proprietor;
- be inspected by a Council Environmental Health Officer on an annual basis;
- maintain minimum records about the food handling practices on site at the food premises (templates are available through Department of Health & Human Services website).

Further information relating to minimum records for Class 3 premises can be found on page 23.

## **2.4 Class 4 Food Premises**

### ***What is a Class 4 Food Premises?***

Class 4 food premises are those whose food handling activities pose low risk to public health. They include premises that only undertake the following:

- the sale of shelf stable pre-packaged confectionery at newsagents, pharmacies and video stores; bottle shops, etc;
- sale of uncut fruit and vegetables at farmers markets or by greengrocers (whether retail or wholesale);
- wine tastings;
- shops and stalls with packaged cakes (excluding cream cakes), bottled jams or honey at a community event;
- sessional kindergartens serving low risk food including cut fruit; and
- simple sausage sizzles at stalls where the sausages are cooked and served immediately. A simple sausage sizzle includes sausages, sauce, onions and bread (this does not include hamburgers or other high risk foods).

### ***What regulatory requirements apply to Class 4 Food Premises?***

Class 4 food premises must:

- notify Council of their food operations but are not required to obtain formal registration pursuant to the *Food Act 1984*;
- ensure the food they sell or prepare for sale is safe to eat;
- Class 4 premises are not required to have:
  - a Food Safety Program;
  - a Food Safety Supervisor;
  - an annual Council inspection.
- Council may, at its discretion, inspect a Class 4 premises.

Failure to notify Council of your Class 4 food business activities is an offence under the provisions of the *Food Act 1984* and you or your company may be liable for a fine of up to \$14,000 if found guilty.

### ***What if we change the type of food we sell?***

If you want to change the type of food you sell at your food business you must first discuss the changes with a Council Environmental Health Officer. Council will review your food premises activities and determine whether reclassification of your food premises is required. If the classification of your food business changes you must ensure you meet the food safety regulatory requirements of that Class.



## Section 3 - Setting up a New Food Premises

### **Introduction**

To ensure your proposed food premises complies with the *Food Act 1984*, prior to commencing construction or any structural works you are strongly encouraged to complete the '*Establishment Application*'.

Council's Environmental Health Officers are able to provide you with specific information on the requirements of your new food premises.

This process is in place to help new proprietors ensure that they are aware of what is required under the *Food Act 1984* and the *Food Standards Code Australia New Zealand* when fitting out their premises.

### **Inspection of the proposed site**

You are encouraged to request a site assessment of the proposed food premises to ensure that the property is suitable for the operation of the proposed food business. It is recommended that a site assessment is conducted prior to the purchase of the premises or signing of any rental agreement. You should also contact Council to determine whether the proposed activity requires a planning permit.

If you require would like an inspection of the proposed site please contact the Health Services team on 1300 367 700 and an inspection will be arranged with a Council Environmental Health Officer.

### **3.1 Plan Submission**

#### **3.1.1 New food premises submission**

Upon receipt of the "*Establishment Application*" form an Environmental Health Officer will review the submission and advise the applicant of the outcome.

The "*Establishment Application*" form must include the following information and documents:

- 1. Business proposal** - The business proposal must outline all of the food activities occurring at the premises, including:
  - type of food premises;
  - type(s) of food prepared (including menus if available);
  - type(s) of food sold;
  - details of business customers (e.g. general public, vulnerable population);
  - quantity of food handled, stored and prepared; and
  - method and hours of operation; and
  - food transportation details (if applicable).

- 2. Floor Plan** – You may wish to submit a floor plan which may include details of the internal and external areas of the food premises and clearly indicate:
- the type and location of all proposed fittings and fixtures; and
  - schedule of finishes including a description or specification for finishes and claddings of walls, flooring type, coving details, flooring type; and
  - description of all light fittings; and
  - description of equipment to be installed in the food premises; and
  - description of how equipment is intended to be installed (on castors, fitted to the floor); and
  - mechanical exhaust drawings and specifications (if applicable).

Businesses that intend to manufacture foods, or produce food for wholesale (including home manufacturers) must ensure the products are meet the food labelling requirements;

- weight or volume of packages;
- nutrition panels
- ingredients listing
- storage requirements.

Food must be labelled in accordance with the *Food Standards Code* and the National Measurement Institute (see Section 6, *Labelling requirements* page 22 for more information).

**Manufacturing and wholesale food businesses may also require a Planning Permit from Latrobe City Council’s Planning Department.**

For further information, see *Section 10: Council departments*, page 27.

### **3.1.2 Assessment of New Food Business Submission**

Once you have submitted your “*Establishment Application*” form, an Environmental Health Officer will assess the application against the *Food Act 1984*, Food Safety Standards and the Australian Standards. This may take 10 working days to complete.

Council may request further information from you prior to conducting a site inspection.

### ***Final inspection***

Once construction is complete, a final inspection must be arranged with an Environmental Health Officer to verify all works have been completed in accordance with the *Food Act 1984* and associated Food Safety Standards.

Final inspections can be arranged with Council's Environmental Health Officers at a suitable time within seven (7) days. Food businesses are not permitted to store food products or open for trade until a final inspection has been conducted by the Environmental Health Officer and *Food Act 1984* registration is granted.

### ***Application for Registration***

Once the final inspection has been completed and the premises has been approved by an Environmental Health Officer, an application for registration will be provided to you.

The "*Application to register a food premises*" form must be completed and submitted to Council with the prescribed fee.

### ***Registration of your Food Business***

When Council has granted your business *Food Act 1984* registration, the business will be supplied with a Certificate of Registration. This certificate must remain on display at the premises at all times.

Registration of your business is renewed annually and the registration period is from the 1 January to 31 December. Council will send out the renewals of registration in October of each year.

## Section 4 - Purchasing an Existing Food Premises

### ***Contacting Council***

Before you purchase a food business you should:

- check with Council's Health Services Team to determine if the business has current registration with Council; and
- request a pre-transfer inspection of the business (a minimum seven (7) working days' notice is required).
- Ensure a Consent to Disclose information has been signed by the current proprietor before a pre-transfer inspection is completed. The Consent to Disclose will allow Council to provide a copy of the inspection report to the purchaser.

If there is to be a change in use of the food premises, e.g. from a café to a manufacturer, we recommend that discuss the proposed changes to determine if there are further standards which have to be met with the fit out of the building.

### ***Pre-Transfer Inspection***

A pre-transfer inspection of an existing food premises should occur before any rental agreement or business contract is signed. Council requires a completed *Consent to Disclose* before a copy of the inspection report can be provided to the purchaser.

Once a Council Environmental Health Officer has conducted the inspection, they will issue you and/or your solicitor with a report that will identify any works needed to meet the requirements of the *Food Act 1984*, *National Food Safety Standards*, and AS 4674 – 2004 Australian Standard for Construction and Fit out of food premises.

Items identified in the pre-transfer inspection should be completed prior to the transfer of registration being processed by Council. The current proprietor and purchaser can negotiate who will take responsibility for undertaking the necessary works.

### ***Transfer of Registration***

Once the business has been purchased, a Transfer Application Form will be provided and must be completed and returned to the Health Services Team, accompanied by the following:

- the prescribed transfer fee;
- copy of Food Safety Supervisors certificate (Class 1 & 2 only)

**Council is unable to approve transfer applications without the required documentation.**

Council will then issue a Certificate of Registration to the new proprietor.

## Section 5 - Construction Guidelines for Food Premises

The purpose of these Guidelines is to provide appropriate information on food premises design and construction.

This information has been taken from the Food Standards Code and Safe Food Australia 3.2.3 and the Australian Standard 4674 – 2004 Construction and fit-out of food premises. This information is a summary only. Further detail is available on [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

### ***Design and Construction***

The food premises must provide adequate space to allow for safe food production and accommodate equipment and ingredients without overcrowding. Overcrowded food premises are difficult to keep clean and can provide harbourage of pests.

### ***Design and Materials***

Food premises must be designed to prevent cross-contamination between different processes and work-flows. The food premises should be designed around food receipt, storage, preparation, cleaning and sanitising, serving of ready to eat food, etc. Food premises must be constructed so that they can be effectively cleaned and sanitised.

All materials used in the premises must be durable and able to withstand the regular application of cleaning chemicals and equipment.

### ***Water Supply***

An adequate supply of constant hot and cold potable water must be provided to the food premises for washing food ingredients, cooking, adding to food and drinks, making ice, cleaning, sanitising and personal hygiene.

Hot water must be of a sufficient temperature to facilitate effective cleaning and sanitising.

Potable water must comply with the requirements set out in the *Australian Drinking Water Guidelines 2016*.

### ***Sewage and Waste Water Disposal***

All waste water generated by the premises must be drained to sewer (including waste and condensation overflow from cool rooms & coffee machines) in a sewer district, or to an approved septic tank wastewater system. Waste water from a food premises must never be disposed of into a stormwater drain.

In many cases, installation and maintenance of a grease trap may be required. Grease traps must be situated outside of the food premises and away from any food storage areas. Gippsland Water can provide further advice on the appropriate type and size of the grease trap for your premises.

For further information, see *Section 9: Trade Waste Agreement*, page 26.

### ***Storage of Garbage and Recyclable Matter***

The rubbish/garbage bins used by the premises must be of a suitable size to contain the volume of garbage and recyclable matter generated on a daily basis. Garbage receptacles must be fitted with lids to prevent contamination and pest entry.

Overflowing and uncontained garbage can generate odour and attract pests.



***Waste Disposal***

### ***Fixtures, Fittings and Equipment***

All fixtures, fittings and equipment in the premises must be made of materials that are durable, impervious, smooth and easy to clean. To allow for effective cleaning, all fixtures must be either:

- fixed to the floor (without false bottoms);
- 150mm off the floor; or
- on castors to allow movement.

All pipes, conduits and electrical wiring must be either:

- concealed in floor, walls or ceiling; or
- fixed on brackets to provide at least 25mm clearance between the pipe and the adjacent vertical surface.

This assists in preventing a build-up of dirt and grease along these hard to access areas.

### **Garbage Bin Wash Area**

A bin washing facility must be provided outside of the food premises for the purposes of washing bins.

This area should be graded and drained to a floor waste gully connected directly to the sewerage system and grease trap (where required).

The bin wash area must be provided with hot and cold running water provided through a single outlet with a hose connector.

### **Ventilation**

All food preparation areas where fumes, smoke, steam or vapours are produced require a mechanical ventilation system that complies with *Australian Standard 1668 Part 2 - Use of Ventilation and air-conditioning in buildings*.

An exhaust canopy should be fitted above commercial dishwashers, to prevent steam damaging the ceiling and walls. Care should be taken when considering the location for the exhaust outlet, so as not to affect the amenity of the surrounding area with offensive noise or odour.

For further information on siting the exhaust outlet, contact Council's Planning & Building Departments on 1300 367 700.



**Mechanical exhaust canopy**

### **Lighting**

The lighting system must provide sufficient light for the activities conducted on the food premises. Dimmer lighting may be acceptable in dining areas. Lights in areas where food is handled or stored must be fitted with shatterproof covers, in order to prevent physical contamination of food in the event of breakage.

### **Floors**

Floors in food preparation and storage areas must be constructed of a material that is smooth, durable, impervious and able to be effectively cleaned.

Coving is required at the floor-wall junction of all wet areas and food preparation areas. The flooring material should form a continuous surface from the floor up to the wall. This makes the floor-wall junction area easier to clean and helps to prevent the build-up of dirt and food matter.



Floors that are hosed down for cleaning or are regularly wet must have floor drains that connect directly to the sewer (or septic tank wastewater system for a non-sewered property). The floor must be appropriately graded so that the water flows to the floor drains and does not pool.

The following table outlines the finishes that can be used on the floor in various areas of a food premises.

SUITABILITY OF FLOOR FINISHES FOR FOOD PREMISES AREAS									
Finish	Wet washed areas	Food Preparation	Vegetable Preparation	Servery	Store Room	Chillers/Freezers	Bin Store	Eating Areas	Comments
Stainless steel	•	•	•	•	•	•	•	•	Welded joints
Ceramic tiles	•	•	•	•	•	•	•	•	Epoxy grout
Quarry tiles	•	•	•	•	•	•	•	•	Sealed
Steel trowel case hardened concrete			•		•	•	•	•	Smooth-sealed finish, no joints
Carpet/carpet tiles								•	
Wooden flooring								•	Sealed
Polyvinyl sheet	•	•	•	•	•	•	•	•	Heat-welded joints (not suitable adjacent to hot fat appliances)
Laminated thermosetting plastic sheet	•	•	•	•	•	•	•	•	Heat-welded joints (not suitable adjacent to hot fat appliances)
Vinyl tiles					•			•	
Plastic matting				•				•	Should be used for safety reasons only. It shall be easily cleaned and laid in sections that can be removable for cleaning.
Cork tiles								•	Sealed
Epoxy resins	•	•	•	•	•	•	•	•	Complying with AS 3554



## Walls

Walls in food preparation and storage areas must be constructed of a material that is smooth, durable, impervious and able to be effectively cleaned. Wall surfaces should be sealed to prevent the entry of dirt, dust and pests. Walls adjacent to food preparation benches, cooking equipment and washing up areas should be finished with a splashback consisting of a durable material (stainless steel sheeting, glass, glazed tiles) adhered directly to the wall.

**SUITABILITY OF WALL FINISHES FOR FOOD PREMISES AREAS**

Finish	Wet washed areas	Food Preparation	Vegetable Preparation	Servery	Store Room	Chiller/Freezer	Bin Store	Eating Areas	Comments
Stainless steel	•	•	•	•	•	•	•	•	Welded joints Waterproof screw covers
Ceramic tiles	•	•	•	•	•	•	•	•	Epoxy grout
Vinyl sheet	•	•	•	•	•	•	•	•	Heat-welded joints
Painted plaster					•		•	•	Smooth finish
Feature brick								•	
Aluminium sheet		•	•	•	•	•	•	•	Welded or sealed joints
Steel sheet							•		Welded or sealed joints
Trowelled cement		•	•	•	•	•	•	•	Polished surface
Wood panelling								•	Wood sealed
Painted brickwork					•		•	•	Flush joints and solid surfaces
Concrete					•		•	•	Sealed smooth finish
Preformed panels	•	•	•	•	•	•	•	•	H bar joints mastic sealed. In wet areas/food preparation shall be integrated into a dwarf wall or set on plinth

## ***Ceilings***

Ceilings in food preparation areas must be of continuous construction so there are no spaces or joints and finished with a material that is washable and impervious. The intersection of ceilings and walls must be tight jointed, sealed and dust-proof.

Approved materials include:

- fibrous plaster;
- plasterboard;
- fibrous cement; or
- cement render.

**Removable drop-in or suspended ceiling panels are not suitable for use in food preparation or handling areas.**

## ***Food Storage***

Storage areas must be large enough to adequately store the volume of food required by the business. Floors, walls and shelving in storage areas are to be constructed of a material that is smooth, impervious and easy to clean. All food must be stored on shelving, at a minimum of 150mm off the floor.

Shelving units installed in the coolroom or freezer room must be constructed of food-grade, durable plastic or stainless steel to facilitate effective cleaning and sanitising.

Opened food must be stored in such a way that it is pest proof, generally in food grade containers with tight fitting lids. This also helps to prevent physical contamination and makes cleaning the area easier. These requirements apply to both dry storage and cold storage/freezers.

## ***Cleaning of Equipment, Eating and Drinking Utensils***

A double bowl sink must be provided for the cleaning and sanitising of equipment and utensils. The double bowl sink must be of adequate size to fit the largest piece of equipment used within the food premises.

Alternatively, a commercial dishwasher may be used for cleaning and sanitising in addition to a single bowl sink.

All sinks must be provided with hot and cold running water supplied through a single outlet and must be large enough to immerse the largest equipment used within the food premises.

## ***Food Preparation Sink***

A separate sink must be provided where food preparation involves the washing of food, such as raw fruit and vegetables. It must not be used for other purposes such as the cleaning of equipment, as this can lead to chemical or bacterial contamination.

### ***Cleaners' Sink***

A cleaners' sink is needed for the disposal of mop water and the filling of buckets. It should be equipped with hot and cold water and connected to the sewer. Mop water must not be disposed of into the wash-up sink, food preparation sink, hand wash basin, or the stormwater system.

### ***Locations of Hand Wash Basins***

Hand wash facilities must be located where they are easily accessible to food handlers. This should be no further than 5 meters from areas where unpackaged food is handled, to encourage regular use by food handlers.

There should be no doors or other obstacles between a hand wash basin and an area where unpackaged food is handled. If there are toilet facilities in the premises, a hand wash basin must be located immediately adjacent to the toilet or toilet cubicles.

### ***Setup of Hand Wash Basins***

Hand wash basins must have a permanent supply of warm running water delivered through a single outlet. It is recommended that hand wash basins be hands-free, operated either electronically or by a knee/foot mechanism. Hot water must reach this basin within 20 seconds to allow for adequate hand washing.

Hand wash basins must be clearly designated for hand washing only, and be provided with a supply of liquid soap and disposable paper towel in wall mounted dispensers. Air-dryers are not acceptable as the sole means of hand drying.



### ***Chemical Storage***

Chemicals used for cleaning and pest control are often toxic if ingested and have the potential to contaminate food and food contact surfaces. Cleaning chemicals, cleaning equipment, pest control chemicals and pest control equipment must be stored in a designated room or cupboard, located away from food preparation and storage areas.

### ***Staff/personal Storage***

Personal belongings may carry dirt, hair and other foreign material that can contaminate food. Staff clothing and personal belongings must be stored in a designated room or cupboard located outside of food preparation and storage areas.

### ***Toilets***

In order to prevent the contamination of food preparation areas, toilets must be separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitted with self-closing doors.

The toilets must be kept clean and operating correctly at all times. Hand wash facilities must be provided to all toilet areas and supplied with warm running water. Toilet hand wash basins must also be provided with liquid soap and paper towels in fixed dispensers.

### ***Pest Control***

If left unchecked, pests can quickly become a serious problem in a food premises. For this reason, the premises should be designed in a way to prevent the entry of rodents, birds, animals and insects.

Windows should be fitted with tight fitting mesh screens or permanently fixed closed. Exterior doors should be solid, tight fitting, with a pest strip at the base and a self-closer.

Where the doors are open for day trade, doorways must be fitted with heavy duty plastic strip curtains or air curtains that effectively exclude flying insects.

All holes, gaps and spaces in walls, floors and ceilings must be sealed to prevent the entry and harbourage of pests. This includes areas where pipes and conduits pass through walls, ceilings and floors.

Insect control devices must not be located directly over food preparation or storage areas due to the risk of physical contamination by dead insects.

### ***Smoke Free Dining***

There are now smoke free requirements in place for all enclosed dining areas. Outdoor dining must also be smoke free if the area has a roof and the total actual area of wall surfaces exceeds 75 per cent of the total notional wall area.

For further information, contact the Health Services Team or see the Tobacco Reforms website [www.health.vic.gov.au/tobaccoreforms/](http://www.health.vic.gov.au/tobaccoreforms/)

### ***Proprietor's Name***

All food businesses must display the registered proprietors name in a prominent position at the front of the premises.

It is recommended that this is displayed on the front window or door of a food premises.

### ***Council Food Act Registration Certificate***

All food businesses must have on display, the original copy of their current *Food Act 1984* registration certificate. The certificate should be placed in a prominent place and be produced if requested by Council's Environmental Health Officers.

## Section 6 - Labelling Requirements

Food must be labelled in accordance with the Food Standards Code, developed by Food Standards Australia and New Zealand.

All food for retail sale or sold for catering purposes must be labelled, except for the following:

- food not in a package;
- food in an inner package not designed for sale and where the outer packaging shows the required information;
- food made and packaged on the premises from where it is sold;
- food packaged in the presence of the purchaser;
- whole or cut fresh fruit and vegetables in packaging that does not obscure the nature or quality (does not include sprouted seeds or similar products);
- food delivered packaged at the express order of the purchaser; and
- food sold at fundraising events.

Where a packaged food is exempt from the general labelling requirements information may still need to be displayed in connection with the food or provided to the purchaser on request.

The following information **MUST** appear on the food label and be in English:

1. The name of the food.
2. Premises and lot identification.
3. The name and business address.
4. Mandatory warning and advisory information.
5. Ingredient labelling.
6. Date mark.
7. Health and safety advice for consumers.
8. Nutrition information panel.
9. Characterising ingredient declaration (percentage labelling).
10. The country of origin.

Further information can be obtained from Food Safety Victoria and from Food Standards Australia and New Zealand. [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

For contact details see *Section 11: Government agencies*, page 28.

## Section 7 - Food Safety Programs

A food safety program is a written plan that outlines what a food premises does to ensure that the food sold it sells is safe for human consumption.

A food safety program is an important tool for helping a business that handles, processes or sells potentially hazardous foods to maintain safe food handling practices and protects the health of the public.

When you register your food premises, or notify Council about your food activities, Council will determine your Food Act classification based on the food safety risk of the type of foods you handle.

**Class 1** food businesses must have a food safety program which has been developed by/for the business. Class 1 food businesses cannot use a standard food safety program template. Class 1 food safety plans are tailored to take into account the food handling activities at the premises. A Department of Health & Human Services approved auditor must conduct an annual audit of the food safety program to determine adequacy and compliance.

**Class 2** food premises may elect to develop their own food safety programs or they elect to follow a Department of Health & Human Services approved template; this includes approved registered proprietary food safety program templates.

For businesses that choose to use a template developed by the Department of Health & Human Services this can be accessed their website:

<https://www2.health.vic.gov.au/public-health/food-safety/food-businesses/food-safety-program>

The Version 3 template is registered under the *Food Act 1984* and is suitable for retail and food services businesses including hotels, cafes and restaurants.

Class 2 food premises that choose to operate with an independent (non-standard) food safety program must have the program audited annually by a Department of Health & Human Services approved auditor.

**Class 3** food premises do not need a full food safety program due to the lower food safety risk associated with the food handling activities. Class 3 food premises must keep minimum records about specific food handling practices. These records include information about suppliers and the safe storage of potentially hazardous food.

Copies of the minimum records , Class 3 Food Safety Guide can be obtained from Council or can be downloaded from the Department of Health website

<http://www.health.vic.gov.au/foodsafety/guide/classification.htm>

**Class 4** food premises do not need to have a food safety program or complete minimum records.

(For further information regarding Food Safety Programs, contact Food Safety Victoria on 1300 364 352 or Council's Health Services Team on 1300 367 700).





## Section 8 - Food Safety Supervisors

All **Class 1** and **Class 2** food premises require a food safety supervisor with the following exceptions:-

- For a food premises that use a Quality Assurance (QA) food safety program prepared under a declared QA code, if the program includes competency based or accredited training for its staff; and
- food events of one to two days duration run by Class 2 community groups where the majority of the workforce are volunteers.

A food safety supervisor is someone who:

- knows how to recognise, prevent and alleviate food handling hazards at your premises;
- has a *Statement of Attainment* that shows the required food safety competencies from a Registered Training Organisation (RTO);
- has the ability and authority to supervise other people handling food at the premises and ensure that food handling is done safely.

It is important to choose your food safety supervisor carefully. Your food safety supervisor can be the owner, an employee or a person external to the business, providing they are able meet the requirements of a food safety supervisor prescribed in the *Food Act 1984*.

The food safety supervisor doesn't have to be on the premises at all times. However they must be able to know how food is being handled when they are not on the premises. Similarly, this applies to businesses that operate across a number of shifts, or when a person from outside the business is the Food Safety Supervisor.

A business may also choose to have a number of staff with food safety supervisor qualifications.

**Class 3 and Class 4 food premises** do not need a food safety supervisor. They must however ensure that staff members have the skills and knowledge they need to safely handle food in their work roles.

For further information regarding food safety supervisors, contact Food Safety Victoria on 1300 364 352, visit [www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety) or contact Council's Health Services Team on 1300 367 700.

To obtain a full list of Registered Training Organisations visit the National Training Information Service website [www.ntis.gov.au](http://www.ntis.gov.au)

## Section 9 - Trade Waste Agreement

Food premises may be required to install a grease trap and have it pumped out on a regular basis. It is recommended that you contact Gippsland Water to discuss your responsibilities regarding trade waste and to obtain a trade waste agreement/exemption.

If your premises needs a grease trap, it should be installed outside the food premises or (in exceptional circumstances) it may be located inside the food premises away from any food preparation and storage areas, in a purpose built ventilated room.

Please contact Gippsland Water on 1800 066 401 to confirm the requirements of your grease trap.

You should provide Council with proof that you have entered into a minor *Trade Waste Agreement* with Gippsland Water, or that your business has been granted an exemption prior to registration of your food business.

## Section 10 - Council Departments

In the process of establishing a new food business, it may be necessary to consult with other Council departments to obtain approvals and permits. Listed below are some of the common matters that are addressed with various departments.

### ***Municipal Building***

A building permit is needed when constructing a building and may be required when renovating/altering an existing building. For further information and consultation in relation to building permits contact a private building surveyor to determine what is needed for your situation.

### ***Toilets***

Details on the number of toilets, urinals and hand wash basins required to be installed in a premises.

### ***Fire safety***

Details on emergency lighting, emergency exits, number, type and location of fire extinguishers/fire fighting equipment.

### ***Local Laws***

A permit from Local Laws is needed to place the following on the footpath:

- A-frame signs;
- tables;
- chairs;
- barriers;
- windbreaks;
- displays; and
- waste skips.

For further information and an application form, contact Council's Local Laws department.

### ***Statutory Planning***

Further information and consultation can be obtained in regard to:

- signage (apart from A-frame signs on the footpath);
- premises wishing to increase its seating capacity;
- obtaining a permit for any proposed building works;
- obtaining a permit for manufacturing/wholesale food businesses;
- obtaining a permit for a proposed use of building/area; and
- if you are wishing to sell liquor.

## Section 11 - Government Agencies

The following government agencies can be contacted to provide further information in regard to topics summarised in this guide.

1. Food Safety Unit  
Department of Health  
**1300 364 352**

[www.health.vic.gov.au/foodsafety/](http://www.health.vic.gov.au/foodsafety/)

2. Food Standards Australia and New Zealand (FSANZ)

For information regarding the Food Standards Code, fact sheets and labelling information.

[www.foodstandards.gov.au](http://www.foodstandards.gov.au)

3. National Training Information Service

To obtain a list of registered training organisations which provide Food Safety Supervisor training, please contact the National Training Information Service.

[www.ntis.gov.au](http://www.ntis.gov.au)

4. Gippsland Water

For Information regarding the installation or maintenance of a grease trap (Minor *Trade Waste Agreement*).

**1800 066 401**

5. Trade Measurement Institute

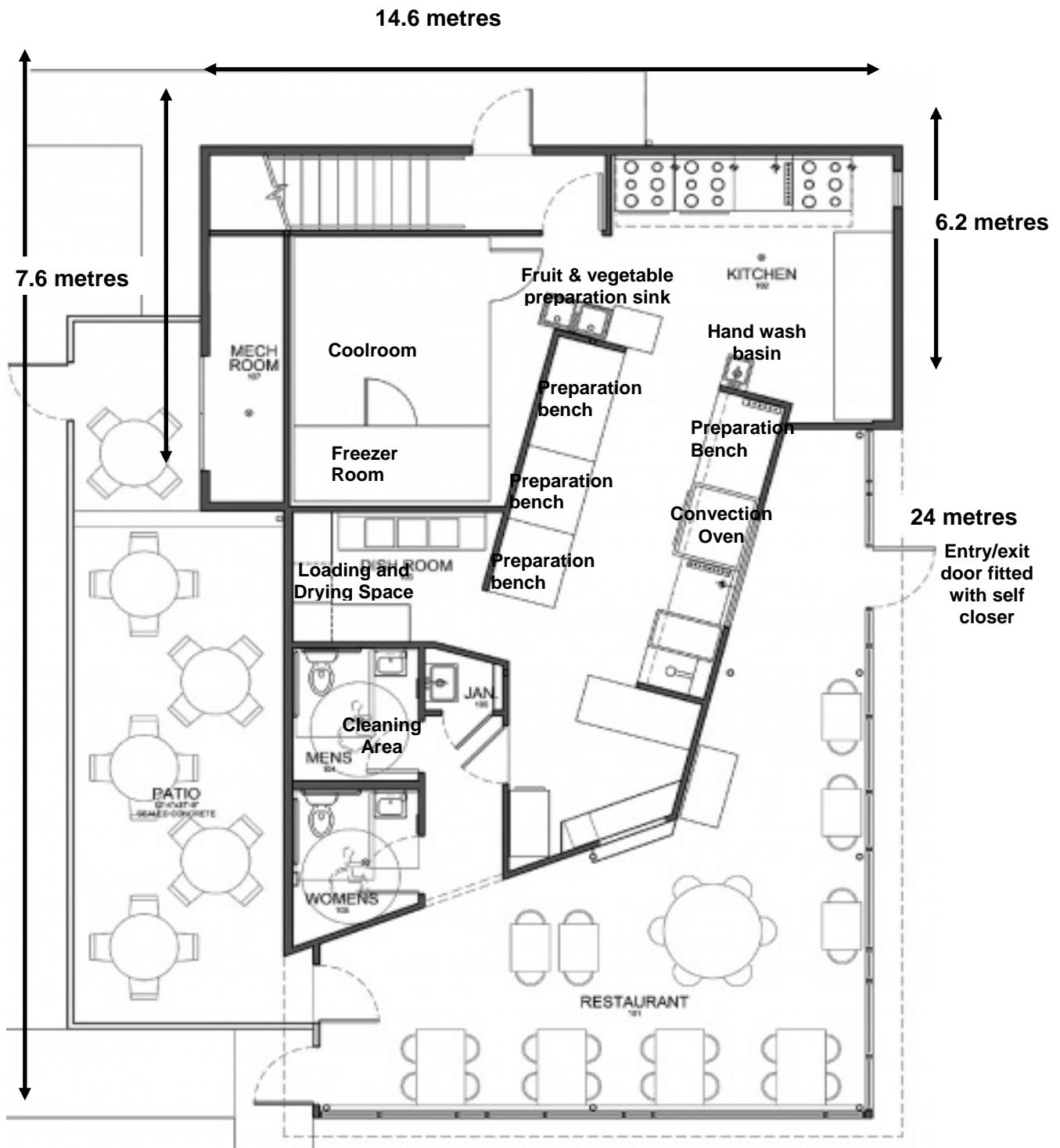
Enquiries and Complaints

1300 686 664 or via email [infotm@measurement.gov.au](mailto:infotm@measurement.gov.au)

6. Consumer Affairs Victoria

1300 55 81 81 or through the website [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

## Appendix 1 Sample Floor Plan



## Section 12 – Mobile Food Vans

### ***Mobile Food Vans – Guidelines for New & Transferring Food Businesses.***

The Victorian *Food Act 1984* and the Food Standards Australia New Zealand Food Standards Code, specifically Chapter 3, Food Safety Standards, provide for the registration of mobile food vans. You must register the van with the Council in which the vehicle is garaged. Similar to fixed premises the types of food provided will determine whether the foods sold fall within a Class 2, 3 or 4 type business, and therefore the requirements of relevant food safety programs, minimal records and training requirements.

The structural standards required for fit out of a kitchen in a mobile food vehicle are dependent upon the nature of the food business, taking into account the potential risk factors and the frequency of usage.

The proprietor of the food vehicle must prominently affix their name (and contact details) on to the vehicle and ensure this is maintained in a legible condition.

The following requirements apply only to mobile food premises from which food is prepared and offered for sale:

- All fittings, equipment, floors, walls and ceiling must be constructed of smooth and impervious material capable of being easily cleaned.
- A minimum of one sink supplied with hot and cold water for the cleaning of utensils and equipment used in the preparation of food.
- A dedicated hand wash basin supplied with hot and cold running (potable) water, liquid soap and paper towel.
- A waste water holding tank is to be provided for the water from sink(s) and hand basin.
- Adequate mechanical ventilation to be provided above cooking appliances.
- Adequate refrigeration facilities to ensure any cold foods are stored at or below 5°C.

It is recommended that proprietors obtain, or have access to a copy of the *Food Act 1984* – copies can be obtained through Information Victoria located at 356 Collins Street Melbourne, 1300 366 356 or visit Victoria Online. Alternatively, the *Food Act 1984* can be located online via the following web address: [www.legislation.vic.gov.au/](http://www.legislation.vic.gov.au/)

### ***Statewide notification system - Streatrader***

If you sell food from a portable stall, a van, a community hall or other similar site that you only use occasionally, or from a vending machine then you must also be registered on Streatrader and submit statements of trade (SOT) to notify the local Council that you are trading. Private water carters that transport for sale water for human consumption must be registered with their local Council and submit SOTs via this web-based system. Once your application for registration has been accepted by your principal council, you may trade anywhere in Victoria. However it is a requirement that you submit a SOT prior to attending a site. Failure to notify the local Council could incur a fine.

Streatrader can be accessed online via the, [https://streatrader.health.vic.gov.au/public\\_site](https://streatrader.health.vic.gov.au/public_site)



# ESTABLISHMENT APPLICATION FOOD ACT 1984

## Section 1 – Applicant & Trading Details

Applicant Name: \_\_\_\_\_

Premises Type: \_\_\_\_\_

Proposed Trading Name: \_\_\_\_\_

Proposed Proprietor: \_\_\_\_\_

Proposed Premises Address: \_\_\_\_\_

Applicant Postal Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

## Section 2 – Proposed Business Details

Type of Foods Premises (Café, Restaurant) \_\_\_\_\_

Proposed Hours of Operation \_\_\_\_\_

Are you providing offsite catering ? Yes/No

Are you a wholesaler or distributor of pre-packed foods? Yes/No

Is the food prepared or served exclusively to people in an aged care, Hospital, child care centre or meals on wheels? Yes/No

Do you repackage products? Yes/No

Do you handle products that require temperature control? Yes/No

Do you intend to attend markets and events to sell you product: Yes/No – **Please note that you will be required to register your premises using Streatrader before trading at each event.**

Additional information regarding your business operation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I, the undersigned, hereby submit this Establishment Application for consideration.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**Return in person to one of our customer service centre's in Traralgon, Moe, Morwell & Churchill.  
Return by mail to PO Box 264, Morwell Vic 3840. For enquiries please phone (03) 5128 5613**

