

So, you want to run a food business?

Guide for Victorians

Important things to know ...

If you are thinking about buying an existing food business or starting your own, you should know about some important things.

To protect Victorians, all food businesses must comply with our food laws, including the Food Act.

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, and
- how to get more help and information if you need it.

What do the food laws mean for me?

Every business that sells food in Victoria must be **registered** with, or **notify**, the local council Health Unit. This applies even if you don't charge directly for the food, but include it as part of another service, such as for promotional purposes, tourist packages, or at a Bed and Breakfast.

Making and selling food carries with it 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 which aims to have consistent food safety legislation across Australia.

If you plan to run a food business, you need to be familiar with the Food Safety Standards which, among other things, cover:

- what can and should be in foods,
- what must be included on labelling, and packaging, and
- how to manage food safety in your business.

For more information about the Food Safety Standards, visit the Food Standards Australia New Zealand website at www.foodstandards.gov.au or call 1300 652 166.

Food business classes

Councils classify all businesses according to their food safety risk. Depending on premises' food handling activities, different regulatory requirements apply under Victoria's *Food Act 1984*.

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 the chances of something going wrong are greater.

Your council can tell you what class your food premises falls within and, therefore, whether you need to **register** annually with council or only notify council of your operations once-off.

For an indication of which class your proposed food business activity falls within, go to www.health.vic.gov.au/foodsafety/guide/classification

Can I run a food business from home?

Preparing food for a number of people is different from cooking for the family. You will need to think about whether you can prepare safe food from home for the number of people you are planning to serve.

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 Environmental Health Officer can advise you on the changes you might need to make to your food handling activities, or your kitchen or premises, to satisfy your legal requirements.

Where do I start?

One of the best places to start is with your local council Environmental Health Officer. Whether you are thinking about buying an existing business, starting a new one, or even operating from home, your Environmental Health Officer can guide you towards making your dream come true, with the least amount of fuss.

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

There are a few things you should think about before taking the big step:

- what laws affect my plans?
- do I know enough to make sure the food I sell is safe?
- will I need a building or planning permit from the local council?
- will the kitchen's layout, equipment and storage facilities be appropriate for doing the things I plan to do?
- is there a place to wash my hands before I start preparing food?
- is there enough room in the fridge to properly store the amount of food I plan to make?
- will everyone working at the business know how to make sure the food they handle is safe for customers?

What do I need to do to notify council?

If your business involves only low food safety risks, such as a newsagent or a bottle shop, and/or you are selling only pre-packaged low risk foods, you simply need to **notify** the council that you will be running a food business. If your business operates from permanent premises, you need to do this only once. You do not need to obtain formal annual approval through registration.

Contact your council or go to its website for details about how to notify.

Remember, it is an offence to fail to notify your council that you will be operating a food premises.

Where do I register my food business?

If your business...	then the food regulator you contact is
... is a butcher, or is a meat or chicken processor, or makes smallgoods, or transports meat or fresh chicken, or sells only fresh chicken	PrimeSafe phone: (03) 9685 7333 www.primesafe.vic.gov.au
... sells, transports, prepares or processes mainly fish or seafood (such as a fishmonger)	PrimeSafe phone: (03) 9685 7333 www.primesafe.vic.gov.au
... is a dairy farm, a dairy manufacturer, a dairy distribution business, or a dairy food carrier (such as a milk tanker)	Dairy Food Safety Victoria phone: (03) 9810 5900 www.dairysafe.vic.gov.au
... sells, makes, transports, or prepares other foods or a range of foods	Your local council
... operates from mobile food premises* (such as a hot dog or ice-cream van) across several different council areas	Check registration requirements with councils in each area you are proposing to operate in

Food vans and stalls

***Note:** From 1 July 2011, food vans, market stalls and other temporary and mobile premises will be able to **register once** via a statewide registration system.

This will assist food businesses that currently require multiple registrations to operate in different council districts. Councils will advise food businesses of these changes closer to the time. For further details see also **www.health.vic.gov.au/foodsafety/guide/single**

In the meantime, if your business will operate at different locations from temporary premises (such as a market stall or tent) or a mobile premises (such as a food van), your council can advise you about your obligations.

What do I need to do to be registered under the Food Act?

It is important to contact your council Environmental Health Officer 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 or 4 - depending on your activities. This will help ensure you follow the right steps to obtain registration.

As a condition of registration, food businesses involved in handling *unpackaged* high-risk food must have a **food safety program** and a **food safety supervisor**. This applies, for example, to nursing homes, hospitals, childcare centres providing cooked meals, restaurants, fast food outlets, caterers, delis, supermarkets with delis, pubs, cafes, most manufacturers, and wholesalers. These are class 1 and class 2 food premises. You will find further information about these requirements on page 4.

Generally, food businesses that handle only *pre-packaged* high-risk food, or any *unpackaged* low risk food, will still need to register with council. These are class 3 food premises.

Given the lower risks associated with these activities, class 3 food premises are not required by law to have a food safety program or a food safety supervisor. They must keep a small number of easy to complete "minimum records". These are available from your council or the Food Safety website at www.health.vic.gov.au/foodsafety/guide/classification

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, 3 or 4. There is no legal requirement for any person in a food business to attend a training course. However, you need 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 food businesses,
- self instruction using written material,
- running in-house training sessions, and
- completing *Dofoodsafely*, the Department of Health's free online learning program for food handlers at <http://dofoodsafely.health.vic.gov.au>

You should also record the type of training everyone receives in case your local council wants to know.

For more information, go to www.health.vic.gov.au/foodsafety/bus/skills_knowledge/index.htm.

What is a food safety supervisor?

Class 1 and 2 premises will also need a **food safety supervisor**.

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.

This person may not need to attend formal training, but they **must** be able to prove that they have particular knowledge about food safety, by demonstrating certain competencies, which are set out under law.

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 Environmental Health Officer.

For more information, go to http://www.health.vic.gov.au/foodsafety/bus/skills_knowledge/fss.htm.

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 council early in the process - before you apply to **register** or renew registration of your premises or **notify** council of its operations.

Council can advise what is required under the Food Standards Code before any building works commence. This will avoid you having to undertake costly remedial work if your fit-out does not meet all requirements of the Code when you seek registration under the Food Act.

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 the *Food Standards Code part 1.2* which can be found at www.foodstandards.gov.au

If you are going to produce packaged food for retail sale, fact sheets are available from your local council. You should also read an excellent food

labelling guide developed by the South Australian Government which you will find at www.health.sa.gov.au/pehs/Food/food-labelling.htm

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

What is a food safety program?

Class 1 and 2 premises are required to have a **food safety program**. This is a written plan that shows how your business will manage the safety of the food you prepare, serve, manufacture or sell. It is your plan for serving safe food – which 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 (**H**azard **A**nalysis **C**ritical **C**ontrol **P**oint), 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 also advise you further about your obligations.

How do I get a food safety program?

If the council classifies your activity as class 1 – because the 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 write your own food safety program which must be audited by a Department of Health - approved food safety auditor. 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 the council classifies your activity as class 2 - then you have a choice of either writing your own food safety program or using a Department of Health registered *Food Safety Program Template*.

This simpler and less costly option involves creating your own food safety program using a template that has been registered with the Department of Health. There are a number of templates to choose from. Some are specially written for particular types of businesses. Others are more general. To find out which templates are available, go to

www.health.vic.gov.au/foodsafety/bus/templates

Some templates are free, and others must be purchased. If you decide to use a template, you should choose the one that is most appropriate for your type of business. Your local council Environmental Health Officer can help you decide.

Whichever one you choose, the supplier of the template must offer you support to help you complete your food safety program properly.

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 Health Orders over the premises - or you can ask the local council Environmental Health Officer to do an inspection of the premises as these issues need to be fixed before you can open.

If you are planning to use an existing food safety program for a business you buy, but plan to make changes to the things the business does, you'll have to review the whole food safety program so that it reflects the activities at your new business.

What do I need to know about auditing?

If you do not use a food safety program template, but write your own program, your business will need to be audited at your cost by a Department of Health-approved food safety auditor.

For more information about auditing, visit www.health.vic.gov.au/foodsafety/bus/auditing.htm

To find out more

- Visit the Department of Health Food Safety website at **www.health.vic.gov.au/foodsafety**
- Ring the Department of Health Food Safety Hotline toll-free on 1300 364 352 during business hours
- Speak with your local council Environmental Health Officer for detailed food safety advice
- Ring the Business Victoria line on 13 2215
- Visit the Food Safety Australia New Zealand web site at **www.foodstandards.gov.au**
- Look under *Catering and Food Consultants* in the Yellow Pages
- Contact relevant industry associations as many provide advice about buying and selling businesses.

Publications and resources

Department of Health resources are available to assist food businesses with food safety:

- pamphlets and publications in English and other languages - **www.health.vic.gov.au/foodsafety**
- food safety program templates to guide the writing and implementation of food safety programs - **www.health.vic.gov.au/foodsafety/bus/templates**
- *FoodSmart*, an on-line food safety program template - **www.foodsmart.vic.gov.au**
- *Dofoodsafely*, free online learning program for food handlers - **<http://dofoodsafely.health.vic.gov.au>**

Contacting us

Department of Health
Food Safety and Regulation Unit
GPO Box 4541
Melbourne 3001
Telephone: 1300 364 352
web www.health.vic.gov.au/foodsafety
email foodsafety@health.vic.gov.au

Other contacts

Prime Safe
PO Box 2057
South Melbourne Vic 3205
phone 03 9685 7333
web www.primesafe.vic.gov.au

Dairy Food Safety Victoria
PO Box 840
Hawthorn VIC 3122
phone 03 9810 5900
web www.dairysafe.vic.gov.au

Authorised by the Victorian Government,
Melbourne.

To receive this publication in an accessible format
phone 1300 364 352.

February 2011