



# A Guide to Food Licencing

## Are you considering operating your own food business?

Food safety is an important aspect in maintaining the health and wellbeing of the public. A food business that is constructed, maintained and operated in accordance with the *Food Act 2006* and Food Safety Standards will help to ensure you provide your customers with safe food. Before you take the plunge as a new food business operator, it's recommended to carefully read this guide.

## The Law

Western Downs Regional Council licences food businesses in accordance with the *Food Act 2006* and the Food Standards Code.

Council is responsible for administering and enforcing Chapter 3 of the Food Standards Code which relates to the design and operation of food premises.

Queensland food legislation includes:

- *Food Act 2006 (the Act)*
- *Food Regulation 2006*
- Food Safety Standards (FSS)

The following documents provide assistance in the interpretation of the legislation and standards:

- Safe Food Australia:  
A Guide to the Food Safety Standards  
[www.foodstandards.gov.au](http://www.foodstandards.gov.au)
- Australian Standard 4674:2004  
Design, Construction & Fit-out of Food Premises
- Western Downs Regional Council's  
Fit-out Guide for Fixed Food Premises  
[www.wdrc.qld.gov.au/food-hygiene](http://www.wdrc.qld.gov.au/food-hygiene)
- Local Government Fit-out Guide for Mobile Food Van [www.lgtoolbox.qld.gov.au](http://www.lgtoolbox.qld.gov.au)

Environmental Health Officers (EHO's) from Council and Queensland Health have differing, delegated responsibilities under the Act.

Local Government EHO's are responsible for licencing and inspecting food premises. Amongst other duties, Queensland Health EHO's are responsible for ensuring compliance with food labelling and food composition requirements; and are generally the lead authority in conducting confirmed food-borne illness outbreak investigations.

## Licencing

Most food premises are required to hold a food licence issued by the Local Government where they operate. A licensable food business:

- Involves the manufacture of food;
- Is carried out by an entity other than a non-profit organisation and involves the sale of unpackaged food by retail; or
- Is carried on by a non-profit organisation and involves the sale of 'meals' on at least 12 days each financial year.

**Manufacture**, in relation to food, includes:

- (a) Making food by combining ingredients;
- (b) Significantly changing the condition or nature of food by any process;
- (c) Bottling/canning food, includes water
- (d) Packing unpackaged food,
- (e) Making ice.

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Although the Act does exempt certain types of food businesses from holding a licence, ALL food businesses must comply with the requirements of the Food Safety Standards.

The Table below contains examples of licensable & non-licensable food business

<b>Licensable Food Business</b>	<ul style="list-style-type: none"><li>• manufacturers of food products</li><li>• restaurants or delicatessens</li><li>• catering businesses</li><li>• takeaways (i.e. pizza shops)</li><li>• motels providing meals with accommodation</li><li>• food business that sell food, such as hamburgers, from a motor vehicle or unpackaged food from a vending machine</li><li>• private hospitals</li><li>• private school tuckshops that prepare 'meals'</li><li>• temporary food stalls</li><li>• businesses packaging food for wholesale</li><li>• businesses cooking seafood</li><li>• promotional sausage sizzles</li></ul>
<b>Non-licensable Food Business</b>	<ul style="list-style-type: none"><li>• primary producers accredited under the <i>Food Production Safety Act 2000</i> - including meat, dairy, seafood and egg schemes</li><li>• the handling or sale of fisheries resources under a buyer licence issued under the <i>Fisheries Regulation 1995</i>, except cooked seafood</li><li>• the sale of unpackaged snack food, such as biscuits, cakes, confectionary, nuts and potato chips that are not potentially hazardous foods (does not include the manufacturer of these products)</li><li>• the sale of whole fruits or vegetables</li><li>• the sale of seeds, spices, dried or glazed fruit, dried herbs, coffee beans or ground coffee (packaging &amp; wholesale distribution of these products is not exempt)</li><li>• the grinding of coffee beans</li><li>• the sale of drinks such as tea, soft drinks and alcohol</li><li>• the sale of ice, and flavoured ice (manufacture of these products is not exempt)</li><li>• the sale of meals by a non-profit organisation that are prepared by someone other than the organisation and are stored, heated or prepared in accordance with the directions of the meals manufacture</li><li>• transport and distribution of packaged food</li></ul>
<b>Exempt from licencing</b>	<ul style="list-style-type: none"><li>• State or government owned corporations</li><li>• The handling of food or sale of food at a tuckshop operated by a parents and citizens association at a state school</li><li>• The handling of food at a person's home intended to be given to a non-profit organisation for sale by the organisation</li></ul>

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### Applying for a licence

An application for a food licence must be directed to the Local Government for the area in where the food business intends to operate.

If you hold a current Queensland Mobile-Food Business Licence issued from another Queensland Council, you may operate within the Western Downs region so long as you notify us of your intention to operate.

Food licences are issued on an annual basis. All food business licences across the Western Downs expire on the 30<sup>th</sup> September of each year. Food licences require annual renewal. An updated licence certificate will be sent out once the renewal form has been returned and the annual fees have been paid.

Please note that it is an offence under the *Food Act 2006* for a person to carry on a licensable food business without a current licence and both on-the-spot fines issued by an Environmental Health Officer and court imposed penalties may apply.

### Application process for new premises

#### Step 1 - Complete pre-licence checklist & complete Food Licence Application Form

Complete the food business licence application form, ensuring all relevant sections of the application must be completed in full. The form must be signed and submitted to Council along with the appropriate fee. The checklist will allow you to check that you have provided all the relevant information.

***There is a checklist within this guide to assist new food licence applicants***

#### Step 2 - Assessment of the application

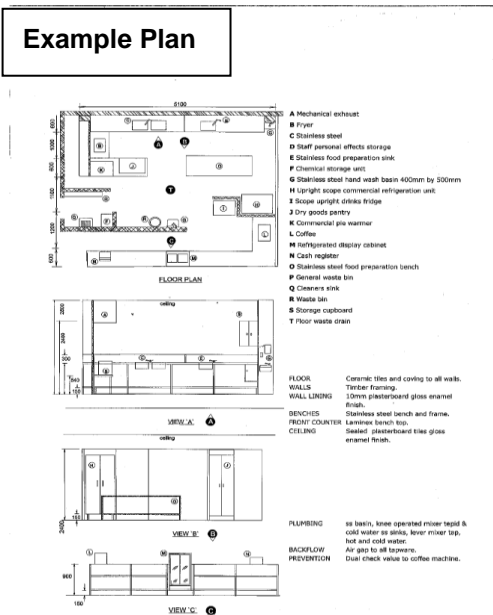
Council will assess the application to determine if:

- the applicant is a suitable person to hold a food licence under the *Food Act 2006*; and
- the premises are suitable for its intended operation, and complies with Food Safety Standard.

#### Step 3 - Decision on application

Assessment of the application may take up to 30 business days; this is a legislated time frame. Ensure you only submit a fully complete and comprehensive application along with associated supporting plans and documents.

If the assessing Officer requires additional information in order to make a decision, an Information Notice may be issued, thereby extending the 30 day assessment time period.



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Once an assessment is complete, Council will then make one of three decisions on your application:

### Approval of application

A food licence certificate will be issued with specified conditions of approval. A pre-opening inspection is carried out prior to issuing a food licence.

*Note: Please be aware that it may take 3-5 working days to receive your Food Business Licence.*

### Provisional approval of application

A provisional food licence may be issued if an applicant has not fully satisfied the criteria for granting a food licence. Provisional licences can be issued for **a maximum period of 3 months** but only if Council is satisfied that the applicant will meet the criteria within this time. For example, a provisional licence may be issued prior to finishing the construction of a food business if the Council is satisfied the design of the premises is going to comply with the Food Safety Standards. Provisional licences may be subject to final inspection before commencing operation.

### Refusal of licence

Where the applicant has failed to meet the criteria for granting a food licence as outlined in the *Food Act 2006*, written notification of this decision will be issued. Also, if additional information has been requested and you fail to provide the information within the specified time your application may be refused.

### Buying an existing food business

Prior to commencing operation, you will be required to submit your own food licence application as **licences are not transferable**. If you intend to renovate or alter the premises you will be required to obtain approval from the Environmental Health Section first. For further information, please contact the Environmental Health Section or refer to Council's "Food Premises-Design, Construction & Fit-out Guide".

**FOOD LICENCES ARE NOT TRANSFERRABLE.**

Applications for a new food business licence, including the taking over of an existing licence, are treated the same as premises being newly constructed i.e. the food business must come up to current standard, including structural standards.

If you are buying a pre-existing food business you can request a number of different Council record searches including a number of 'health' searches. These include:

- Records only search (5 days)\*
- Record search & inspection (10 days)\*
- Urgent records search & inspection (3 days)\*

*Council must be provided with written permission from the current proprietor to release this information to the purchaser. This authorisation must be provided prior to any searches being conducted.*

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These searches, particularly the on-site inspection option, can reveal whether there are any outstanding requisitions or any structural issues that may not be up to current standard.

Health Searches are not compulsory but recommended as they can identify aspects of the food premises that may not up to current standard and may need repair, replacement or alteration, prior to operating your new licensable food business.

### Display of licence

All licensed food businesses must display their food licence or a copy in a prominent position at the premises so that it is visible to customers entering the premises.

### Skills and knowledge

Food businesses are required to ensure that persons undertaking or supervising food handling operations have appropriate skills and knowledge. These skills and knowledge can be developed through formal training courses, on-the-job training or via other food hygiene information sources.

Food businesses must also ensure that all staff are aware of their obligations under Division 4 of Food Safety Standard 3.2.2 These obligations focus on the requirements for food businesses and food handlers to protect food from contamination. A copy of the Food Safety Standards is available at [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

Western Downs Regional Council offers free online food safety training via the Council website, I'M ALERT ([www.wdrc.qld.gov.au](http://www.wdrc.qld.gov.au)). Food safety fact sheets and other useful information are available on the WDRC website ([www.wdrc.qld.gov.au](http://www.wdrc.qld.gov.au)) and the

Queensland Health website ([www.health.qld.gov.au](http://www.health.qld.gov.au)).



### Food safety supervisors

All licensed food businesses are required to have at least one suitably qualified food safety supervisor. The licensee of a food business may be the nominated food safety supervisor. Refer to our Fact Sheet 1: Food Safety Supervisor, for further information.

### Additional approvals

A food business may require approvals with various other Council departments or private enterprise. It is recommended that contact be made with the following relevant departments:

#### Council

- Local Laws (Signage / Outdoor dining)
- Development Assessment (Town Planning approvals)
- Plumbing

#### Private certifiers

- Building

To contact any of the Council departments please call the Western Downs Regional Council on telephone 1300 COUNCIL and ask to speak to the necessary department.

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## Pre-Application Checklist

### Good Business Planning

Visit [www.business.gov.au](http://www.business.gov.au) and view information regarding starting, planning and growing a business in any industry.

Completed  Spoke with \_\_\_\_\_

Notes: \_\_\_\_\_

### Town Planning Approval

Before setting up a fixed food business you need to check if a development application needs to be lodged with Council, contact Councils Town Planning Department for conformation 1300 268 624.

Completed  Spoke with \_\_\_\_\_

DA approval No. \_\_\_\_\_

### Building Approval

Construction and renovations of buildings, including internal fit-outs, may require approval from a building certifier. You can find relevant information and contact details from the Queensland Building and Construction Commission. Or contact Building Services on 1300 268 624.

Completed  Spoke with \_\_\_\_\_

Approval No. \_\_\_\_\_

### Plumbing and drainage Approval

Making changes or installing plumbing infrastructure (sinks, drains etc.) generally requires a plumbing application. Contact Council's Plumbing inspectors, for conformation telephone on 1300 268 624.

Completed  Spoke with \_\_\_\_\_

Approval No. \_\_\_\_\_

### Business registration

Business name registration is managed through Australian Securities and Investment Commission (ASIC). Registering for an Australian Business Number (ABN) is managed through the Australian Business Register.

Completed  Spoke with \_\_\_\_\_

ABN No. \_\_\_\_\_

### Food Safety Supervisor

A designated food safety supervisor is required for each food business licence within Queensland. Identify if you have a food safety supervisor or make plans to undertake training, prior to applying for a food licence; refer to Fact Sheet 1: Food Safety Supervisor for more information.

Completed  FSS \_\_\_\_\_

or/ booked in for training \_\_\_\_\_

### Advertising device

Need an advertising device to promote your business? Refer to Subordinate Local Law 1.4 (Installation of Advertising Device) 2011, as many commonly signed devices are pre approval and no application is required, visit [www.wdrc.qld.gov.au/local-laws-1](http://www.wdrc.qld.gov.au/local-laws-1) - Call the EHO for further information.

### Trade Waste Management

Waste management is a requirement under various pieces of legislation. A Trade Waste Policy is under construction. You may be required to complete a Trade Waste Permit Application form.

### Footpath Dining Permit

You can't just place furniture on a council footpath without approval. If you wish to make a commercial use of roads application, visit [www.wdrc.qld.gov.au/local-laws-1](http://www.wdrc.qld.gov.au/local-laws-1) or call Councils, Environment and Health Services on 1300 268 624.

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