

# Victoria's Food Act

## Food vans and stalls

Single approval to operate anywhere in Victoria

### Are you a business or community group operating a food van or stall which sells food in Victoria?

#### You need to know ...

From 1 July 2011, a state-wide registration and notification scheme for temporary and mobile food premises applies under the *Food Act 1984*.

The state-wide scheme replaces the current system under which each council in whose district you trade must either approve your operations, or recognise another council's approval decision.

Depending on your food handling activities, you only need to register with, or notify, the one council. Under the new system, this is your "principal council".

Based on the higher food safety risks of class 1, 2 and 3 food premises, the Food Act requires them to have a current registration with council.

Due to their lower food safety risks, class 4 premises must lodge a notification form with council. This notification is once-off. It is ongoing and does not need to be renewed.

**A "start up" process is required to enable you to get the benefits of the new state-wide system and be registered with the correct council.** This information will help you understand what you need to do and where to get further advice.

**"Temporary food premises"** are temporary stalls or tents from which food is sold, such as at a market or festival.<sup>1</sup>

**"Mobile food premises"** are vehicles such as vans, trailers or carts from which food is sold.

#### Three easy steps

- **Find out which is your principal council** under the new state-wide system (see *overpage*).  
Your principal council can advise you about what to do and the forms you need to complete.
- **Answer questions about your food handling activities** – Based on food safety risk, council will advise whether you need to:
  - register and pay any fee that may apply (class 2 and 3), or
  - complete a once-off notification form (class 4).
- **Lodge your registration or notification form** – Your principal council will consider your application – regardless of where you trade most of the time.

If you are a **new operator**, contact your principal council so that you can obtain the correct application form.

If you are **already registered for a 12 month period** with a council (class 2 or 3), apply for renewal with your principal council before your latest current registration expires. You no longer need to renew your annual registration with any other council.

If you have **already notified** council about your **class 4 activities**, please contact your principal council to confirm these activities, and to verify your principal council, so that you get the full benefit of the new state-wide system. You will only need to do this once.

<sup>1</sup> It can be any structure that is not permanently fixed to a site.

### Which is your principal council?

Under the state-wide system, one council must be primarily responsible for approving your food handling operations. This is the Victorian council that most of your up-front dealings will be with in the future. It is known as your “principal council”.

You must register with, or notify, this council. It is the council in whose district:

- you **prepare or store food** that is to be sold at the stall or van; or
- if food is not usually prepared or stored beforehand by the business/organisation – the district in which you usually **store the equipment for your stall, or garage your van**; or
- if none of the above apply – the district where the usual **business address** for your organisation is located; or
- if none of the above are in Victoria – the district in which the stall or van will **first operate**.

**If you already have a registered fixed (permanent) food premises** from which you prepare or store food that is sold at your van or stall, register your van or stall with the same council.

You can ask your council to combine these registrations so that in future you will only have one registration renewal process.

### One registration or notification, one council

Your state-wide single registration can include all your temporary or mobile food premises, and an associated fixed site if you have one.

Whether you operate at a single site or have multiple food vans, stalls or vending machines at different locations, the registration certificate granted by your principal council will allow you to trade for 12 months (class 2 and 3). If you are certain that you will have a very short term operation in only one council district, you may choose to apply for a more limited period of operation.

If your stall or van is a class 4, you can trade anywhere in Victoria on an ongoing basis once your principal council accepts your once off notification. The notification does not need to be resubmitted annually, or whenever you operate.

### Lodging statements of trade – class 2, 3 & 4

Once your principal council has given you a state-wide registration certificate (or accepted a class 4 notification), you must inform all relevant councils about your trading intentions.

At least five days before trading, you must lodge a Food Act statement of trade (SOT) in each council district where your van or stall will be operating. This includes your principal council, if you operate in that district.

A copy of **all** SOTs must also be given to your principal council so that it understands the extent of your operations, and can answer any questions asked by other councils about your registration or notification.

Your SOTs **do not** need to be approved. However, councils may ask you to produce your Food Act registration certificate. So be sure you have it with you wherever you are trading.

Please note you risk a fine if you fail to lodge statements of trade within five days of operation.

Contact your principal council to obtain the statement of trade form, or download it from **[www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety)**.

Using this form will ensure that you complete the details required by law.

### What information is included in a statement of trade?

Your SOTs tell councils *where* and *when* you will be trading in their localities.

If you know your planned trading schedule for a period of time, you can list it in the one statement of trade form. Your schedule may cover a week, a month, 3 months, or a year, as you choose. The same statement can then be lodged in all council districts in which you intend to operate in that period. You do not need to complete separate forms for different councils.

### How does it work for community groups selling food?

Community groups can also operate under the state-wide single registration or notification system. This includes not-for-profit associations or clubs, or any other groups raising funds for charitable purposes by selling food from food vans or stalls.

Instead of each council issuing a permit or registration for your event in its district, one state-

wide single registration or notification can cover your activities anywhere in Victoria.

Community groups with a state-wide registration or class 4 notification must also lodge Food Act statements of trade, as outlined above.

Contact your council for advice about how to register (class 2 and 3) or notify (class 4) or for copies of the statement of trade form. This form can also be downloaded at [www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety).

### What about other council permits?

The single state-wide registration scheme is only relevant to registration under the Food Act. You need separate council approval to operate in a public place. The Town Planning and Local Laws departments of the council districts in which you plan to trade can advise you about this.

### What information do I need to provide to register, or notify, under the Food Act?

The first time you complete the state-wide registration or notification form, you need to answer a series of questions about the food handling activities you plan to carry out. You also need to indicate whether you are a business or community group, and whether you will be operating food vans or stalls, or both.

This is so your principal council has enough information to determine your food premises classification and the food safety requirements that apply to your activities. It will also ensure that other councils in whose districts you may trade know that the principal council has assessed your food handling operations. This is important, given that approval to operate is state-wide.

Unless you plan to alter the type of food you sell to include higher-risk activities, you will not need to give council this information again. For class 2s and 3s, renewing your registration in future years will be much quicker as the information you have already provided will be on file. You will only need to confirm that your activities are the same, or update the information if anything important has changed.

If you are uncertain about how to answer a question in a form, contact your principal council so that they can assist you.

Remember, this will be the only time this “start up” process is required. Answering the questions carefully will enable you to get the benefits of state-wide registration.

### Why questions about food handling?

The main purpose of the Food Act is to control the **sale** of food in Victoria and to protect people from food borne illness. All premises must ensure the food they sell is safe to eat.

The Act groups food premises into separate “classes” and sets out different food safety requirements for each class based on its food safety risks.

“High-risk food” means food that is potentially hazardous – that is food that has to be kept at certain temperatures to minimise the growth of any harmful bacteria that may be present in the food.

High-risk foods need to be handled carefully to keep them safe. If something goes wrong during the food handling process, harmful bacteria may grow and multiply and food can quickly become unsafe to eat.

As you’d expect, premises carrying out only low-risk food handling activities must follow simpler safety rules than those handling foods that are more likely to make people sick.

For example, selling pre-packaged foods that don’t need refrigeration, such as packaged biscuits (class 4), is less risky than selling packaged cakes with cream fillings which need refrigeration (class 3), or preparing and serving casseroles or chicken salad (class 2) which need correct temperature control at all times to keep them safe.

The food handling questions in the registration and notification forms will help your principal council work out whether your stall or van is class 2, 3 or 4. This is so they can advise whether you need a food safety program, and what else you need to do to keep food safe.

The councils in whose districts you trade may wish to know the class of your stall or van. Understanding the type of food sold to the public at markets and events in their localities helps councils plan their inspections based on the risks associated with different types of food handling.

### Where do I get the forms?

Contact your principal council to obtain the **registration form**.

The Food Act **statement of trade forms** are available from your council or at [www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety).

### Online will save time

In 2012, you will be able to register or notify council, renew your registration, and lodge your statements of trade online.

### Planning to change the type of food you sell?

If you plan to alter the type of food you sell to include higher risk activities (such as unpackaged high-risk foods, for example uncooked meats, small goods, sandwiches), you must inform your principal council as this may change your food premises classification and other requirements that apply to your activities.

### For more help contact...

#### Local council health units

Your council environmental health officer is your best source of advice. **To register or notify** council about your food vans or stalls, contact your principal council.

**Lodge your Food Act statements of trade** with each relevant council as well as your principal council.

Check the Yellow Pages for council contact details or go to <http://www.dpcd.vic.gov.au/localgovernment/find-your-local-council>.

#### Department of Health

[www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety)  
email [foodsafety@health.vic.gov.au](mailto:foodsafety@health.vic.gov.au)  
phone 1300 364 352

**dofoodsafely** is a free online food handler learning program – <http://dofoodsafely.health.vic.gov.au>

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