

INFORMATION PACKAGE

An information package detailing legislation and licensing requirements for food businesses operating in the Cairns Regional Council area



FOOD BUSINESS LICENSING INFORMATION PACKAGE

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1.0 INTRODUCTION

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 Safety Standards will help to ensure you provide your customers with safe food.

This information package has been designed to assist food businesses meet their legal obligations and to streamline the food licence application process.

Cairns Regional Council licences food businesses in accordance with the *Food Act 2006 (the Act)* and the *Food Standards Australia New Zealand (FSANZ) Food Standards Code*. Local Government is responsible for administering and enforcing Chapter 3 of the *Food Standards Code* (the Food Safety Standards) which relate to the design and operation of food premises.

2.0 FOOD LAWS

Queensland's food laws in conjunction with the national (*FSANZ*) *Food Standards Code* aim to ensure customers are provided with safe food whilst allowing for a flexible approach for food businesses to comply with food safety requirements.

Queensland food legislation includes:

- *Food Act 2006 (the Act)*
- *Food Regulation 2006*
- *Food Safety Standards (FSS)*
 - Standard 3.1.1 - Interpretation and Application
 - Standard 3.2.1 - Food Safety Programs
 - Standard 3.2.2 - Food Safety Practices and General Requirements
 - Standard 3.2.3 - Food Premises and Equipment

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

- Safe Food Australia - A guide to the Food Safety Standards
- Australian Standard AS 4674 - 2004 – Design, construction and fit-out of food premises

Authorised persons such as Environmental Health Officers from Queensland Health and Local Government have delegated responsibilities under the Act to undertake the administration, monitoring and enforcement of food safety legislation.

Local Governments are responsible for licensing and inspecting food premises while Queensland Health is responsible for ensuring compliance with labelling and composition requirements under the Food Standards Code. Queensland Health is also the lead authority in conducting food-borne illness outbreak investigations.

3.0 LICENCING

Most food businesses require a food licence issued by the Local Government for the area in which they operate. A licensable food business is a food business that:

- Involves the manufacture of food; **or**
- Is carried out by an entity other than a non-profit organisation and involves the sale of unpackaged food by retail; **or**

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- Is carried on by a non-profit organisation and involves the sale of 'meals' on at least 12 days each financial year.

The table below contains examples of licensable & non-licensable food businesses

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

**Please note that although the Act does exempt certain types of food businesses from requiring a food licence they must still comply with the requirements of the Food Safety Standards.

4.0 APPLYING FOR A LICENCE

An application for a food licence must be directed to the Local Government for the area in which the food business intends to operate. Food licences are issued on an annual basis and expire on 30th September each year. The licence fees are based on the FSANZ Priority Classification System for Food Businesses. Further information on the priority classification system is detailed on the next page. Food licences require annual renewal, an updated licence certificate will be sent out once the renewal fees have been paid. Please note that it is an offence under the *Food Act 2006* for a person

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to carry on a licensable food business without a current licence and can incur penalties of up to \$110,000.

5.0 APPLICATION PROCESS FOR NEW PREMISES

Step 1 – Complete the food business licence application form

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. In some cases a proposal outlining the nature of the operation will be requested to accompany the application.

NOTE: New food premises or premises being renovated are required to submit plans and specifications prior to the food licence application being processed. Please contact Council's Environmental Health Unit for further details on the approval process.

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 is suitable for its intended operation and it complies with *Food Safety Standard 3.2.3*.

This process may take up to 30 business days.

Step 3 – Decision on application

Council will then make one of three decisions on your licence application:

- **Approval of application** - A food licence certificate will be issued with specified conditions of approval. A pre-opening inspection may need to be carried out prior to issuing a food licence.

Provisional approval of application – A provisional 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. Alternatively, if additional information has been requested by Council and you fail to provide the necessary information within the specified time your application may be refused.

6.0 PRIORITY CLASSIFICATION SYSTEM

Cairns Regional Council uses the nationally recognised FSANZ Priority Classification System to categorise licensed food businesses. The system calculates a score based on the type of foods handled, activities of the food business, methods or processing, size of the business and the customer base. A high, medium or low priority is assigned to the business based on this assessment score. The priority classification of your food business is calculated at the time of application and is used to determine the licence fee and premises inspection frequency.

Some examples of priority classifications are listed in the table below.

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Priority	Example
HIGH	Catering company, hospital caterer, aged care facility, child care
MEDIUM	Takeaway food shop, cafe or restaurant
LOW	Green grocer selling fruits and vegetables, juice bar

7.0 BUYING AN EXISTING FOOD BUSINESS

If you are buying a pre-existing food business you can request a number of different Council land record searches including a number of 'health' searches. These searches reveal whether there are any current outstanding requisitions under the Act in relation to the structure and operation of the food business. One search only involves a record / database search and the other includes an actual inspection of the premises. Council must be provided with written permission from the current proprietor or vendor to provide this information to the purchaser. This authorisation must be provided prior to the search being conducted. Please note that the inspection is not an assessment of the quality or age of the fixtures and fittings.

Land Record Searches are not compulsory but are highly recommended. Please request a copy of the land record search if you wish to make application for a search. A health search can generally be completed within 10 business days. An additional fee applies if you wish to have the search conducted within 5 business days.

Prior to commencing operation, you will be required to submit a food licence application as licences are non-transferable. If you intend to renovate or alter the premises you will be required to obtain approval from the Environmental Health Unit. For further information, please refer to Council's *"Information Package for the Construction or Refit of a Food Premises"*.

8.0 FOOD HYGIENE EXAM

Food licence applicants may be required to complete a short food hygiene test to demonstrate they are a suitable person to hold a food licence. The test will help to determine if the applicant has appropriate food hygiene skills and knowledge. The food test is done by appointment and takes approximately 15 minutes to complete. A food hygiene guide that will help you complete the exam is contained within this information package.

If the proprietor of the food business (the licence applicant) intends to be the nominated Food Safety Supervisor, they will not be required to complete the food hygiene exam if they provide a copy of their Statement of Attainment (or proof of enrolment) for the relevant competencies. Further information on the food safety supervisor requirements is detailed in this information package.

9.0 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.

10.0 SKILLS AND KNOWLEDGE

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

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Food businesses must also ensure that all staff are aware of their obligations under Division 4 of *Food Safety Standard 3.2.2* (Food Safety Practices and General Requirements). These obligations focus on the requirements for food businesses and food handlers to protect food from contamination. These obligations include good personal hygiene and hand washing practices as well as preventing sick food handlers from working in the kitchen. For a copy of the Food Safety Standards please visit www.foodstandards.gov.au

Cairns Regional Council offers free online food safety training via the Council website (www.cairns.qld.gov.au). Food safety fact sheets and other useful information is available on the Queensland Health website (www.health.qld.gov.au).

11.0 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. A nominated food safety supervisor must:

- Hold a statement of attainment of specified competencies issued by a Registered Training Organisation;
- Have the ability to supervise food handling in the food premises;
- Have authority to supervise food handlers;
- Have skills and knowledge relating to food safety and the ability to identify, prevent and minimise food safety hazards; and
- Be reasonably available while the business is operating.

A licensee must advise Council of the name and contact details of the food safety supervisor within 30 days after the food licence is issued. A copy of the food safety supervisor's statement of attainment for the specified competencies must be provided. Any changes to the food safety supervisor's details must be provided within 14 days.

Current competencies for various food sectors can be found on Queensland Health's Food Industry Fact Sheets 18 (See attached). Further information can be found on the Queensland Health website (www.health.qld.gov.au).

12.0 FOOD SAFETY PROGRAMS

Some licensable food businesses are required to have a Food Safety Program (FSP) in accordance with *Food Safety Standard 3.2.1*. FSP's are documented procedures aimed at helping food business identify food safety hazards, implement control measures and provide systematic monitoring of hazards to food safety.

The Act requires the following types of food business to have a food safety program:

- A food business involving off-site catering
- A food business where the primary activity of the food business is on-site catering at the premises or part of the premises stated in the licence.
- A food business that is carried on as part of the operations of a private hospital under the *Private Health Facilities Act 1999*

Please note that mandatory Food Safety Programs must be accredited by Local Government who will also determine the required audit frequency for the food business. Further clarification on these requirements can be provided on request from Council's Environmental Health Unit.

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For further detailed definitions of on-site and off-site catering see section 13.0 'Definitions' on page 8.

For further information relating to Food Safety Programs refer to the Queensland Health web site.
www.health.qld.gov.au

13.0 OTHER APPROVALS FOOD BUSINESSES MAY REQUIRE

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

- Local Laws (Signage / Outdoor dining)
- Development Assessment (Town planning approvals)
- Plumbing
- Trade Waste (Grease trap requirements, Trade Waste Permits)
- Building services

To contact any of the above departments please call Cairns Regional Councils customer service desk on 4044 3044 and ask to speak to the necessary department.

14.0 DEFINITIONS

Definitions from the Food Act 2006

Food business – means a business, enterprise or activity (other than primary food production) that involves:

- a) the handling of food intended for sale
- b) the sale of food

regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only. Please note sell includes a food business giving food away.

Off-site catering – in relation to a food business, means serving potentially hazardous food at a place other than the principal place of business for the food business. Off-site catering does not include:

- a) merely delivering food under an arrangement with, or on the order of, a consumer (eg. delivering pizzas from a takeaway pizza shop), or
- b) the sale of food from mobile premises or temporary premises. (eg. the sale of ice-creams from a mobile ice-cream van).

On-site catering – in relation to a food business, means preparing and serving potentially hazardous food, to all consumers of the food at the premises or in-part of the premises from which the business is carried on, under an agreement under which the food is:

- a) of a predetermined type; and
- b) for a predetermined number of persons; and
- c) served at a predetermined time; and
- d) for a predetermined cost.

On-site catering does **not** include:

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- a) preparing and serving food at an eating establishment; or
- b) merely preparing and displaying food for self-service by consumers. (eg. preparing food for consumption from a buffet at a restaurant).

Eating establishment – means a restaurant, cafe or similar food business that involves the preparation and service of food on the order of a person for immediate consumption by the person.

Definitions from the Food Safety Standards

Equipment - means a machine, instrument, apparatus, utensil or appliance, other than a single use item, used or intended to be used in or in connection with food handling and includes any equipment used or intended to be used to clean the food premises or equipment.

Food handler - means any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food, for a food business.

Food premises - means any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats, pontoons, including premises used principally as a private dwelling, but does not mean food vending machines or vehicles used only to transport food.

Handling of food - includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

Meal – Means food that is, or is intended to be eaten by a person sitting at a table, or a fixed structure used as a table, with cutlery. A meal must be of adequate substance as to be ordinarily accepted as a meal.

Potentially hazardous food – means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins (e.g. meats, seafood, dairy products).

Sinks – includes sinks for food preparation, cleaners sink, utensil and equipment washing, and personal hand washing basins.

Temperature control - means maintaining food at a temperature of:

- a) 5°C or below if this is necessary to minimise the growth of infectious or toxigenic micro-organisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature
- b) 60°C or above
- c) Another temperature - if the food business demonstrates that maintenance of the food at this temperature for the period of time for which it is so maintained will not adversely affect the microbiological safety of the food.

Sanitise – is a process that significantly reduces the number of micro-organisms present on a surface. This is usually achieved by the use of hot water (at 75°C or above), chemical sanitisers or a combination of both.

Definitions relevant to this document

FSS – Food Safety Standards. These standards form part of the Food Standards Code. They relate to the design and operation of food businesses.

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Primary food production - is the growing, cultivation, picking, harvesting, collection or catching of food, and includes:

- a) transport or delivery of food on, from or between the premises on which it was grown, cultivated, picked, harvested, collected or caught.
- b) packing, treating (for example washing) or storing of food on the premises on which it was grown, cultivated, picked, harvested, collected or caught, and
- c) any other food production activity prescribed by another Act.

RTO's – Registered Training Organisations (See <http://training.gov.au/>)

15.0 CONTACTS

If you require any further information please contact the Council Environmental Health Unit on (07) 4044 3044 and ask to speak to your local Environmental Health Officer. Alternatively you can visit the Cairns Regional Council web site www.cairns.qld.gov.au

Cairns Regional Council		
Topic:	Council contact:	Contact number:
- Guidance of licensing or designing and fit-out of a Food Business.	Environmental Health Unit	Customer Service Centre Cairns Office (07) 4044 3044
- Final approvals to open premises		
- Land Use / Town Planning	Development Assessment and Planning Strategies	
- Building enquiries	Building Regulation and/or Private Certifier	
- Plumbing and Trade Waste enquires	Plumbing and Trade Waste	
- Advertising signage licensing - Outdoor dining	Local Laws Unit	

Other useful websites and contacts for additional information

Legislation and guidelines	Web address	Available from
<i>Food Act 2006</i>	www.legislation.qld.gov.au	SDS Publications Ph:13 7468 (13 QGOV) https://www.bookshop.qld.gov.au/ email service@sds.qld.gov.au
<i>Food Standards Code</i>	www.foodstandards.gov.au	Food Standards Australia New Zealand Phone: (02) 6271 2222 www.foodstandards.gov.au
<i>Food Safety Standards</i>	www.foodstandards.gov.au	
<i>'Safe Food Australia - A Guide to the Food Safety Standards'</i>	www.foodstandards.gov.au	
<i>'Food Industry Recall Protocol – A guide to writing a food recall plan and conducting a food recall'</i>	www.foodstandards.gov.au	
<i>Label Busters Guide</i>	www.health.qld.gov.au	Queensland Health – Cairns Health Unit Phone: 4226 5555
Food safety information and fact sheets	www.health.qld.gov.au	
National Training Information Services (RTO list)	http://training.gov.au/	Online only http://training.gov.au/