



# **Guide to the Operation of a Food Business**

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# What is this information package?

This information package has been compiled to assist new and existing business owners comply with the Food Act 2003 and the Food Standards Code. It covers topics such as structural requirements and the registration process.

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## Council's Environmental Health Unit

Hobart City Council's Environmental Health Unit is composed of:

- 1 x Manager of Environmental Health
- 1 x Senior Environmental Health Officer
- 7 x Environmental Health Officers
- 1 x Trainee Environmental Health Officer

They are available to provide Food Handler Training, answer your questions and provide you with resources where possible.

They can be contacted by phoning (03) 6238 2715 or email [health@hobartcity.com.au](mailto:health@hobartcity.com.au)

## Role of the Environmental Health Officer

Environmental Health Officers assess risk and develop, regulate, enforce and monitor laws and regulations governing public health and both the built and natural environment, in order to promote good human health and environmental practices.

Environmental Health Officers may perform the following tasks:

- Investigate complaints about food safety and make sure that shops, restaurants and food processors follow health regulations
- Assess building development applications and inspect houses and public buildings to make sure that they comply with environmental or health and safety standards
- Maintain records, prepare statistics, write reports, and give evidence in court cases where health or environmental regulations have been violated.

The Environmental Health Unit is required to assess and approve all plans for new premises and alterations or extensions of existing food premises.

Environmental Health Officers are responsible for determining the suitability of the premise for food handling and the minimisation of opportunities for food contamination. Food premises, fixtures, equipment and transport vehicles should be designed and constructed to facilitate easy and effective cleaning and where necessary, sanitising. The premises needs to be of an adequate size for its purpose and provided with necessary services of water, waste disposal, light, ventilation, cleaning, staff facilities, storage space and toilet access.

# Food Legislation

- **Food Standards Code**

The Food Standards Code makes sure food in Australia and New Zealand is safe and suitable for us to eat. It includes standards for food additives, food safety, labelling and foods that need pre-approval such as genetically modified foods.

Before Food Standards Australia New Zealand (FSANZ) was established in 1991, food standards were developed by each state or territory. In 1996, FSANZ began to develop food standards which apply in both Australia and New Zealand. New Zealand has some separate standards for example food safety in food outlets, maximum residue limits for agricultural and veterinary chemicals in food, country of origin labelling and primary production and processing standards.

- **Food Safety Standards**

Chapter 3 of the Food Standards Code is called the Food Safety Standards.

The Food Safety Standards (FSS) were developed to provide more effective and nationally uniform food safety legislation for Australia. These are national standards upon which your food business is assessed.

The FSS set out specific food handling controls related to the receipt, storage, processing, display, packaging, transportation, disposal and recall of food. Other requirements relate to the skills and knowledge of food handlers and their supervisors, the health and hygiene of food handlers and the cleaning and maintenance of food premises and equipment. The FSS also set out the requirements for food premises, fixtures, fittings, equipment and food transport vehicles.

All owners and operators of food businesses are required to have knowledge and understanding of the *Food Standards Code*, in particular, Chapter 3. The Code can be obtained from [www.foodstandards.gov.au](http://www.foodstandards.gov.au) or from Food Standards Australia New Zealand on (02) 6271 2222.

- **Food Act 2003**

The *Food Standards Code* has been incorporated into the *Food Act 2003*.

The Food Act 2003 is the main Tasmanian-specific piece of food legislation. This contains provisions for food sampling, registration of food businesses, infringement notices and prosecutions and offences e.g. - unsafe and unsuitable food.

- **National Construction Code - Building Code of Australia and Tas Part H102**

The construction of a new food business or alterations to an existing food business needs to comply with the National Construction Code - Building Code of Australia and Tas Part H102. There is a formal process which must be followed to gain approval. For further information on structural requirements, please refer to Council's *'Guide to the Construction of a Food Business'* (separate package).

- **Raw Egg Manufacturing Controls 2008**

Since June 2008, new Controls have been in place for the manufacturing of raw egg products. These have been introduced by the State Government (Department of Health and Human Services). In an attempt to reduce risks to the public, food businesses electing to make raw egg products are required to document the method of manufacture and follow strict and auditable procedures governing egg receipt, product preparation, storage and handling. These Controls are important - irrespective of the original source of the eggs.

### **Who Does This Apply To?**

These Controls apply to food businesses that manufacture raw egg products such as dressings and sauces (for example, aioli, mayonnaise, tartare, hollandaise and béarnaise sauce), desserts (for example, tiramisu) and drinks (for example, egg nog).

### **What Is Not Covered?**

Omelettes, poached eggs, coddled eggs, custards, panna cotta, crème caramel and other partially cooked products are not covered by the Controls as they are usually made to customer preference and must be manufactured, served and eaten within a short time frame. However, it remains important to keep partially cooked egg products under refrigeration at all times other than when serving and to discard all leftovers daily.

### **What Do I Need To Do?**

Businesses must advise Council if they intend to manufacture raw egg products by completing and returning the Raw Egg Manufacturing Control 2008 Notification Form (available from Council's website). If you intend to manufacture raw egg products in the future, you must notify Council prior to production.

**These controls are legally enforceable by Council's Environmental Health Officers.**

# Registration

## What Businesses Need To Be Registered

Under the *Food Act 2003* all “food businesses” handling or selling potentially hazardous food must be registered annually within the municipality in which the food business is located, **before** food is manufactured or sold on-site.

**Potentially hazardous foods** are foods that might contain food poisoning bacteria and are capable of supporting growth of these bacteria or formation of toxins to levels that are unsafe for consumers, if the foods are not stored at correct temperatures. Toxins are poisonous chemicals produced by some types of bacteria.

The following are examples of potentially hazardous foods:

- Raw and cooked meat or foods containing meat, such as casseroles, curries and lasagne;
- Dairy products, for example, milk, custard and dairy based desserts;
- Seafood (excluding live seafood);
- Processed fruits and vegetables, for example, salads;
- Cooked rice and pasta;
- Foods containing eggs, beans, nuts or other protein rich foods, such as quiche and soy products;
- Foods that contain these foods, such as sandwiches and rolls.

A food business is any business, enterprise or activity (other than primary food production) that involves the handling of food intended for sale; or the sale of food. It does not matter 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. This includes temporary food businesses and mobile food vehicles.

## What Businesses Do Not Need To Be Registered

Food businesses not handling or selling potentially hazardous food do not need to register however you do still need to formally notify Council of your operation by completing the Food Business – Application for Notification of a Food Business Form which is available on Council’s website.

If you are a primary food producer you will not need to be registered with Council.

Primary food production means the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes the following:

- The transportation or delivery of food on, from, or between the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;
- The packing, treating (e.g. - washing) or storing of food on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught, or on the premises that are associated with the premises on which the food was grown, raised, cultivated, picked, harvested, collected or caught;
- The storage of food in a silo that is not connected with a food processing operation and the transportation or delivery of food from, between or to such silos;
- The sale of livestock at saleyards and the transportation of livestock to and from saleyards; and
- Any other food production activity that is regulated by or under an Act prescribed by the regulations.

# Applying for Registration

It is the responsibility of the food business proprietor to apply to their local Council to register their business.

Please refer to whichever situation is applicable to you below.

- **I Already Have An Existing Food Business...**

If it is an existing food business, Council will post a new certificate prior to June 30 of each year. Payment of your fees validates the certificate. It is your responsibility to inform Council of any changes to your operation.

- **I Have Just Constructed A New Food Business...**

If it is a new premises which has not been registered before and only just constructed, you will first need to follow the process explained in Council's '*Guide to the Construction of a Food Business*' (separate package). After this process and before commencing operation, you must apply to register your food business.

It is important to remember that registration of a food business is additional to any building, plumbing or development approvals that may be required.

- **I Am Taking Over An Existing Food Business...**

Food business registrations are not transferable. If you are taking over or buying an existing food business, you must register the business by completing a food business registration form which is available on our website. Lodge the form at Council and you will be invoiced at a later date.

Please refer to the next section 'Existing Food Businesses'.

# Existing Food Businesses: Buying, Selling & Renovating

- **Buying or Taking over an Existing Food Business**

When buying a food business that is already operating, you can obtain some information about the business from Council before the sale is finalised or contracts are signed.

## Pre-purchase Inspection

Firstly, check with Council that the premises has a current registration certificate.

Secondly, you may request a pre-purchase inspection from Council. The inspection will identify any food safety deficiencies with the premises and will alert you to any potentially expensive problems. If you don't have this inspection done, you may 'inherit' any faults from the previous owner and be held responsible for fixing these. If you are not the owner of the premises, Council requires written permission from the current owner of the premises to undertake this inspection for you.

There is a \$200 (including GST) fee for this service. Please contact the Environmental Health Unit on (03) 6238 2715 to make enquiries or to book a pre-purchase inspection.

It is advisable to have this inspection done well in advance of finalising the purchase/take-over of the premises and preferably before you sign any unconditional documentation that commits you to the purchase.

## Transfer of Registration

It is important to note that a registration certificate is not transferable between the existing registered person and yourself. This means that when you purchase a food business or take over a lease **you** must apply to Council for a Food Business Registration. This needs to be completed before you begin to operate your food business. Refer to '*I am taking over an existing food business...*'.

- **Selling Your Business**

When selling a food business, ensure that your registration is current and that there are no outstanding conditions or notices. This will make the sale process easier and avoid lengthy negotiations with potential buyers about outstanding conditions. You could also consider providing any prospective purchasers with a 'pre-purchase inspection report'. This may speed up negotiations with potential purchasers.

- **Renovating or Altering Existing Premises**

If you are making structural changes to your premises you should refer to Council's '*Guide to the Construction of a Food Business*' (separate package).

# Different types of food businesses (Still requiring registration)

- **Catering Businesses**

A catering business must be registered as a food business and operate from a registered food premises.

- **Bed & Breakfasts (B&Bs) and 'Homestays'**

B&Bs and 'homestays' providing meals as part of the business also need to comply with food legislation. These types of premises often accommodate a small number of people and undertake limited amounts of cooking. Therefore, the requirements for construction of these premises is based on each situation and may vary depending on the foods being offered.

- **Mobile Food Businesses**

With an increase in the number of fairs, festivals and markets within Hobart, mobile food vehicles and mobile food carts have increased in popularity. Mobile food vehicles and carts are considered to be food businesses and therefore must be registered under the *Food Act 2003*.

When designing and fitting out a mobile food vehicle you must ensure they meet the required outcomes from the *Food Safety Standards* and the Building Code of Australia (BCA) - just as with a restaurant, takeaway food outlet or café.

It is strongly recommended that you contact a Council Environmental Health Officer (EHO) very early in the planning of your mobile food business to discuss your proposal and advise of the extent of food handling you intend to undertake. Whilst full building plans may not need to be submitted, Council's EHO will still ultimately need to approve the mobile food business for registration as a food business under the *Food Act 2003*.

- **Temporary Food Businesses**

Temporary food businesses such as sausage sizzles and cake stalls also need to be registered under the *Food Act 2003*.

One off events – It is beneficial to read the 'Public Health Requirements for Temporary Food Stalls' brochure before completing the form.

Complete the online form 'Temporary Food Outlet Form' and submit it. You will automatically be able to print out your Certificate. An Environmental Health Officer may contact you if they have any questions or concerns about your operation.

Regular temporary food outlets, i.e. market stalls, Rotary clubs, charities – Council issues Regular Food Stall Registration to regular traders in the Hobart area. This Registration allows the holder to trade at any event or market in Hobart Municipality without the need to complete a form each time.

The application form to apply for a Regular Food Stall Registration can be obtained by phoning an Environmental Health Officer on (03) 6238 2715.

Please note that fees apply for Temporary Food Businesses; please refer to page 11 for further information.

- **Home Kitchens**

If you use your home kitchen to produce food as part of your business, depending on the activities undertaken and the risks involved you may need to register as a food business.

- **Further Information**

For further information on fit out and construction please contact Council's Environmental Health Unit on (03) 6238 2715. You should also refer to Council's *Guide to the Construction of a Food Business* (separate package).

# Fees



## What are the Fees Involved?

The fees current at 2011/2012 financial year are:

- |   |                            |
|---|----------------------------|
| • Food Business Registration – Low Risk         | \$125 (GST not applicable) |
| • Food Business Registration – Medium Risk      | \$250 (GST not applicable) |
| • Food Business Registration – High Risk        | \$300 (GST not applicable) |
| • School Canteen Registration – School Operated | \$50 (GST not applicable)  |
| • School Canteen Registration – Low Risk        | \$125 (GST not applicable) |
| • School Canteen Registration – Medium Risk     | \$250 (GST not applicable) |
| • School Canteen Registration – High Risk       | \$300 (GST not applicable) |
| • Temporary Food Stall (per day)                | \$50                       |
| • Temporary Food Stall (2+ days)                | \$100                      |
| • Regular Food Stall - Low Risk                 | \$125 (GST not applicable) |
| • Regular Food Stall - Medium Risk              | \$250 (GST not applicable) |
| • Regular Food Stall – High Risk                | \$300 (GST not applicable) |
| • Pre-purchase Inspection                       | \$200 (Including GST)      |
| • Additional Inspection Fee                     | \$150 (Including GST)      |

## What do I get for my Food Business Registration Fees?

- You will be sent newsletters on current food safety issues.
- Council provides resources and information on topical issues e.g. – oyster safety fact sheets, egg safety.
- Council provides all food handlers **FREE** online food safety training via [www.hobart.imalert.com.au](http://www.hobart.imalert.com.au)
- Provision of **FREE** face-to-face food handler training sessions.
- Food businesses are inspected and assessed by an Environmental Health Officer to determine compliance with the *Food Act 2003* and the *Food Safety Standards*.
- Food businesses are also routinely sampled as part of the Southern Regional Food Sampling Program to monitor the quality and safety of food being manufactured in the municipality. These results are provided to food business operators.
- Issue of an inspection report from the Environmental Health Officer upon completion of a formal inspection.

# Training

As a food handler or a proprietor of a food business, you and your staff **must** have the food safety skills and knowledge commensurate with your activities. Some people may have undertaken an accredited food safety training course while others may have attended less formal training sessions. You should be able to provide evidence of your training, if requested, by Council's Environmental Health Officer.



Council considers training to be very important and therefore offers FREE online interactive food safety training to all food handlers in the municipality.

**The I'M ALERT training program can be accessed at [www.hobart.imalert.com.au](http://www.hobart.imalert.com.au)**

I'M ALERT reflects the components of the national Food Safety Standards. It also allows you to print a training acknowledgement form to confirm that you have completed all sections – this is useful for both yourself and for business training records.

To fully complete the training, you will require approximately 1 hour and 45 minutes. If you have satisfactorily completed **all** modules at once, a certificate will automatically generate which you can print and keep for your records.

You can also save your training and complete smaller modules at a time, however a certificate will not automatically generate if you complete the training this way. To obtain a certificate in this instance, please post or deliver your acknowledgement forms to Council and a certificate will be forwarded for your records.

This is an easily accessible training tool developed by Environmental Health Australia and will assist you in meeting national food safety legislative requirements.

Ensure that you and your staff have the skills and knowledge required to produce safe food for your customers!

# Thermometers

In accordance with the *Food Safety Standards*, every food business **must** have a thermometer on-site to measure the temperature of potentially hazardous food. This is separate to any inbuilt temperature indicators which may be installed external to coolrooms or freezers.

It is also a requirement for you to undertake temperature monitoring of your food products that are in storage units e.g. – hot/cold bain-marie, fridge, coolroom, display cabinet. This is a risk management tool and record keeping will demonstrate that you are complying with the food legislation requirements.

## Southern Regional Food Surveillance Program

Hobart City Council currently co-ordinates the Southern Regional Food Surveillance Program, which comprises nine Councils in Southern Tasmania.

The aim of this program is to ensure that the manufacture and sale of food within the region does not pose a risk to public health and that food meets the standards and quality expected by the consumer, in accordance with relevant legislation.

Each month, a different type of food product or surface will be sampled.

Recent rounds of sampling have included:

- Meat Pies (to ensure compliance with the Food Standards Code for minimum % of meat in a pie)
- Sausage speciation (to ensure compliance with labelling provisions of the Food Standards Code)
- Oysters from delis (bacterial)
- Chicken salad sandwiches (bacterial)
- Ice from food business ice machines (bacterial)
- Hot bain-marie foods (bacterial)
- Soft serve ice-cream (bacterial)
- Chopping boards (swabs – bacterial)
- Slicers (swabs – bacterial)
- Food preparation benches (swabs – bacterial)

A Council officer will purchase the food product, just as it would be provided to the consumer. As it is an informal sampling program, Council does not always advise the premises at the time of purchase. The analysis results are forwarded to the business. Feedback is supplied to the manufacturer about the safety and quality of their product(s) and if necessary, Council works with the business to identify deficiencies and improve standards.

If the analysis indicates that the results for the particular food product are unsatisfactory, Council undertakes formal re-sampling in consultation with your business. The cost of the formal re-sampling is payable by the food business (invoiced at the cost of the sampling).

# So, you're now the proprietor of a food business in Hobart?

Here's a quick checklist to make sure you're on the right track:

- Applied for a food business registration?
- Purchased a thermometer?  
(or checked that the business has one)
- Provided details of food safety training to Council?
- Organised staff training (if required)?

## Further Information

### Useful Links

Council's FREE online food safety training  
[www.hobart.imalert.com.au](http://www.hobart.imalert.com.au)

Food Standards Australia New Zealand  
[www.foodstandards.gov.au](http://www.foodstandards.gov.au)

Nutrition Panel Calculator (to calculate nutrition content for product labelling)  
[www.foodstandards.gov.au/thecode/nutritionpanelcalculator/index.cfm](http://www.foodstandards.gov.au/thecode/nutritionpanelcalculator/index.cfm)

### Related Council Documents

(Downloadable from the food section on [www.hobartcity.com.au](http://www.hobartcity.com.au))

- Guide to the Construction of a Food Business
- Template Temperature Monitoring Record
- Template Cleaning Schedule
- Guide to the Labelling of Packaged Food for Retail Sale

### Relevant Application Forms

(Downloadable from [www.hobartcity.com.au](http://www.hobartcity.com.au))

- Registration/Renewal of a Food Business (*Food Act 2003*)
- Temporary Food Outlet Form
- Raw Egg Manufacturing Controls 2008 Notification Form