

## Do I need a food business licence?

The *Food Act 2006* requires certain food businesses to have a current food business licence. This requirement applies to fixed food businesses (e.g. restaurants), mobile food businesses (e.g. ice cream vans), and temporary food stalls (e.g. stalls at events or markets). Most food businesses are required to obtain a food business licence from council before they start operating. Businesses that may require a food business licence include:

- restaurants and delicatessens
- catering businesses
- takeaway food shops
- mobile food vans
- providing meals with accommodation
- child care centres/services
- private hospitals
- certain temporary food stalls selling food at markets or events
- preparation of regular meals by charity groups

The *Food Act 2006* **exempts** certain food businesses from requiring a licence. The following food businesses **do not** require a licence:

- sale of meals by a non-profit organisation that operates less than 12 days in a financial year
- production of primary produce under an accreditation granted under the *Food Production (Safety) Act 2000* – including meat, dairy, seafood and egg schemes
- handling or sale of fisheries resources under a buyers licence issued under the Fisheries Regulation 1995, except where the seafood is cooked
- sale of unpackaged non potentially hazardous snack foods, such as biscuits, cakes, confectionary, nuts and potato chips
- sale of whole fruit or vegetables
- sale of seeds, spices, dried or glazed fruit, dried herbs, tea leaves, coffee beans or ground coffee
- grinding of coffee beans
- sale and preparation of drinks including tea, coffee, soft drinks and alcohol, (other than drinks that consist wholly or partially of fruit or vegetable juice processed at the place of sale)
- sale of ice, including flavoured ice, such as slurpees and snow cones or bags of party ice (the manufacturing of ice is not exempt from food licensing)
- providing of meals by a non-profit organisation that are pre-prepared by another organisation and are stored and heated or otherwise prepared by the non-profit organisation in accordance with the directions of the meal's manufacturer
- sale of food, by a non-profit organisation, that is prepared as part of an educational or training activity conducted by the organisation involving food preparation, hospitality or catering
- sale of food, by a non-profit organisation, that consists of low risk food (e.g. fruits, cereals, toast or similar food).

While these food businesses are exempt from the licensing requirements and associated provisions, such as food safety supervisors and food safety programs, they are still required to comply with all other aspects of the *Food Act 2006* and the Food Standards Code, including the Food Safety Standards. These food businesses may be inspected, if needed, and are subject to the same offences and enforcement methods as licensed food businesses.

## How do I obtain a food business licence?

You must apply to the local government where the business is to be located. Applications to Moreton Bay Regional Council may take up to 30 days to process, so applications should be submitted well in advance of operating a food business.

## Yes I need a food business licence, which application form should I use?

### ***Food Business Licence Application – New Fixed Premises***

A fixed premise is a food business which operates from a building or other structure, or part of a building or other structure that has a permanent address. This application form is used for all NEW fixed premises, or premises which are making structural changes.

### ***Food Business Licence Application – Existing Fixed Premises (Change of Ownership and/or minor administrative Change)***

A fixed premise is a food business which operates from a building or other structure, or part of a building or other structure that has a permanent address. This application form is used for change of ownership and other administrative changes.

### ***Food Business Licence – Mobile Premises***

A mobile premise means a vehicle from which a person sells unpackaged food by retail; or a vending machine.

### ***Food Business Licence – Temporary Premises***

A temporary premise is a premise other than fixed or mobile premises; for example a stall or tent. There are three options to Temporary Premises - short term event (maximum of 4 consecutive days), long term event (more than 4 consecutive days); or an annual licence. An annual licence means the business can operate at various locations in the region e.g. market stall, festivals. Ensure that the application includes a floor plan of the stall; failure to include a plan with the application could delay the assessment of the application.

## Can I prepare food at home to sell at my food business?

The simple answer is NO; unless your home kitchen has a licence under the *Food Act 2006*.

## I would like to refresh my food safety skills. How can I do this?

Council offers free online food safety training called I'm Alert, available via this link: <http://www.moretonbay.imalert.com.au/>. This training provides basic skills and knowledge and is a great resource for all staff to utilise; however it is highly recommended that a Food Safety Supervisor completes qualifications provided by a Registered Training Organisation.

## What happens if I operate without a food business licence?

Section 49 of the Food Act 2006 states "A person must not carry on a licensable food business unless the person holds a licence to carry on the business". This means that you could receive an on the spot fine for operating.

## Where can I get further information?

Council has a great information tool available on our website called LG Toolbox. You will find information and fact sheets regarding everything from food handling controls, food safety programs and animals and pests through to links to all relevant legislation and examples of kitchen plans. LG Toolbox is accessible here: <http://www.lgtoolbox.qld.gov.au/MoretonBayRC/EH/Pages/default.aspx>.

## I have read through the Toolbox information but have further questions, who can I contact?

For further assistance and information please contact Moreton Bay Regional Council on 07 3205 0555 or email [mbrc@moretonbay.qld.gov.au](mailto:mbrc@moretonbay.qld.gov.au).