

Starting your mobile food business in Victoria

Starting your mobile food business in Victoria



To receive this publication in an accessible format phone 1300 364 352, using the National Relay Service 13 36 77 if required, or email foodsafety@dhhs.vic.gov.au

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services May, 2016.

The images in this publication have been provided by the Australian Mobile Vendor's Group and show various market events around Melbourne in 2015. This publication may contain images of deceased Aboriginal and Torres Strait Islander peoples.

ISBN 978-0-7311-6945-0 (Print)

ISBN 978-0-7311-6946-7 (pdf/online)

Available at www2.health.vic.gov.au/public-health/food-safety

Printed by Digital House, Port Melbourne (1603023)

Contents

Using this guide	1
Definition of 'mobile food premises'	1
Who is this guide for?	2
Checklist: Starting your mobile food business	3
Step 1: Do your research	4
Things to consider before starting your business.....	4
Your council	5
Step 2: Fit out or buy your mobile food premises	7
Food Standards Code – Chapter 3	7
Step 3: Apply for registration	8
How long will it take?	8
Step 4: Notify of your intention to trade	9
Trading day-to-day	9
Step 5: Trade	10
Understanding food premises classification and your legal obligations	11
Requirements for each class	12
Food Safety Programs and record keeping	13
Class 2.....	13
Class 3.....	13
Food handlers and food safety supervisors	14
Food handlers.....	14
Food safety supervisor – class 2 premises only.....	14
Why is compliance with food laws important?	15
Council inspections.....	15
What if council decides your business is noncompliant with the Act?.....	15
More information	16
Contacting your council	16
Contacting the Department of Health and Human Services' Food Safety Unit.....	16
Other contacts	16

Using this guide

Mobile food businesses are enjoying increased popularity and adding to Victoria's vibrant food culture. As a result, more and more people are attracted to the idea of starting a mobile food business but it can be hard to know where to start.

This simple guide explains the process from start to finish. It includes information about what you need to do to set up your new business and who to go to for advice and support.

Definition of 'mobile food premises'

The *Food Act 1984* (the Act) outlines the Victorian Government's food laws. The Act defines a food premises as a location at which food is sold, or handled with the intention that it be sold. A mobile food premises is a food premises that is a vehicle. This includes food vans, caravans, trucks, coffee vans and trailers.

All food premises selling food in Victoria, including mobile food premises such as food vans, need to have a registration, which is issued by their local council.

Business operators wishing to obtain a registration for their mobile or temporary food premises from their local council are required to apply through a [website called Streatrader](http://streatrader.health.vic.gov.au). The web address for Streatrader is <streatrader.health.vic.gov.au>.



Through Streatrader you can:

- apply for a registration with your registering council
- manage your renewal of registration each year
- list when and where you will trade (this is called a *Statement of trade* or 'SOT').

Who is this guide for?

This guide is for businesses selling takeaway food and drink items such as coffee, burgers, tacos and ice-cream from a mobile food vehicle.

This guide is not for:

- community groups or not-for-profit organisations operating mobile food vehicles
- businesses selling from temporary food premises such as stalls or marquees at markets or festivals
- businesses selling only packaged food such as bottled water, canned drinks and confectionary, or whole fruit and vegetables, as these are considered to be low-risk 'premises' and businesses should contact their local council for further advice.
- businesses selling fresh meat and seafood from a vehicle. They should contact PrimeSafe on (03) 9685 7333.



Checklist: Starting your mobile food business

Step	Starting your mobile food business
Step 1	<p>Do your research</p> <ul style="list-style-type: none"> • Search the Business Victoria website for resources to help you plan for and start your own business. • Consider writing a business plan to ensure your business is viable. • Understand the Act requirements you will need to meet before registration. • Understand the local laws set by council that may affect your business (these may vary from council to council). • Consider where you would like to trade and find out if permits are required. • Contact your local council for further information. Many councils have a business unit that helps businesses to set up in the local area. • Research trading opportunities at events and markets.
Step 2	<p>Buy or fit out your mobile food premises</p> <ul style="list-style-type: none"> • Ensure your vehicle meets the requirements set out in the Food Standards Code through discussion with your local council. • Ensure your vehicle complies with EnergySafe Victoria gas and electricity standards.
Step 3	<p>Apply for registration</p> <ul style="list-style-type: none"> • Complete an application to register on Stretrader (you cannot operate until your application has been approved). • Understand and meet all relevant registration requirements. • Pay your registration fee to council. • Undergo a council inspection. • Receive confirmation from your council that your application has been approved.
Step 4	<p>Notify council of your intention to trade</p> <ul style="list-style-type: none"> • Lodge a statement of trade (SOT) via your Stretrader account detailing when and where you will be trading. • Ensure you have any other permits required under council local laws if you plan to trade on public land.
Step 5	<p>Ready to trade</p> <ul style="list-style-type: none"> • Receive confirmation that your registration has been approved by council. • Lodge a statement of trade. • Organise any other permits you may need.

Step 1: Do your research

Things to consider before starting your business

Starting your business will take time, patience and money. Good research and planning will help ensure its success. You can't just pull up on the side of the road and start trading – there are laws that you must follow to ensure that the food you are selling is safe and suitable for people to eat.

Fortunately, advice is available to make the process easier. A useful resource to look at before you begin is the [Australian Business Licence and Information Service](https://ablis.business.gov.au/pages/home.aspx) which can be found at:

[<https://ablis.business.gov.au/pages/home.aspx>](https://ablis.business.gov.au/pages/home.aspx). This site will guide you through a question and answer process and will then provide you with the relevant compliance and support information for you and your business. You can use it to create a useful, personalised package that will include information on:

- taxation
- hiring staff and paying wages
- business registration and ABN information
- Act registration
- local laws.

Business Victoria also provides information about starting your business and can be found online at the [Business Victoria website](http://www.business.vic.gov.au), [<www.business.vic.gov.au>](http://www.business.vic.gov.au) or by phoning 13 22 15.

Costs and business details you may need to consider

Your business

- What food will you sell?
- Where will you prepare your food? Are you required to register a separate kitchen?
- How much food will you need to sell to have a viable business? Is this achievable?
- Will you hire staff?
- How will you promote or market your business?
- Where will you garage your vehicle?

Costs

- registration fees (council, vehicle and business registration)
- marketing and promotion
- insurance
- staff wages
- training and uniforms
- business costs (for example, will you do your own accounting or hire an accountant?)
- vehicle purchase, build, upgrades or equipment maintenance
- fees for council sites and event sites.

Licenses and registration

- What registration licences and permits do you need?
 - business registration/ABN
 - registration under the Act
 - vehicle registration

- roadside trading permits
- local laws permits.

Your council

Which council is your registering (principal) council?

Mobile food businesses in Victoria are registered by their principal council. Your principal council is determined by:

1. The location at which you **routinely prepare the food** that is sold from your mobile food premises, for example, a café or restaurant. If this doesn't apply then:
2. The location at which you **routinely store the food** that is to be sold from your mobile food premises, for example, your home, a warehouse or restaurant. If this doesn't apply then:
3. The location at which **you garage your mobile food premises.**

If you are from interstate, your registering council is determined by your first trading location each year. For example, if you are from Sydney (New South Wales) and the first place you trade in Victoria is Bendigo, then the City of Greater Bendigo will be your registering council for that year.

You only need to register with one council, which then permits you to trade across Victoria. Once registration is approved by the registering council you need to list all the events or sites where you trade in Victoria (on your SOT). Lodging a SOT is done quickly and easily using your Stretrader account.

Questions to ask your council

It is best to speak to your registering council's environmental health officer to find out what is required before you apply to register. Questions to ask council include:

- What is your registration process?
- What requirements do I need to meet before you register my food premises?
- How much do you charge for registration?
- How do I organise a registration inspection?
- What do I need to do to prepare for an inspection?
- What trading sites are available in your council area?
- What other permits might I need?
- What other information do I need to provide with the application?

What councils can and can't do

Councils have certain powers and responsibilities under the Act to ensure food in Victoria is safe and suitable for human consumption.

Councils can:

- make the final decision on the registration of your food business
- determine their own registration fees
- inspect your mobile food premises and take appropriate action if your business is not complying with food safety laws
- advise you of other laws that you must comply with (for example, waste provisions)
- stop you from trading if you are not compliant with environmental health or local laws.

Councils cannot:

- refuse your right to apply for an Act registration

- exempt you from being registered on Streatrader. If your registering council chooses to register you outside the statewide Streatrader system, you may be fined when trading in other council districts for not lodging a SOT on the system. Please advise the Department of Health and Human Services' Food Safety Unit if your council does not register your vehicle on Streatrader.

If you have any questions about a council's role or actions in relation to your business, contact the Environmental Health Unit at your registering council or the Department of Health and Human Services' Food Safety Unit on 1300 364 352.



Step 2: Fit out or buy your mobile food premises

Food Standards Code – Chapter 3

To be registered your mobile food premises must meet the requirements set out in the [Australia and New Zealand Food Standards Code](http://www.foodstandards.gov.au/code/) at <www.foodstandards.gov.au/code/> (the Code). The Code outlines the structural standards food premises must meet. The standards described in the Code are outcomes-based. In Victoria, the Code is enforced by local government, so please contact your registering council for information on how you can meet the standards when fitting out your vehicle.

The construction requirements will help ensure your fit-out is fit for purpose, easy to clean and of suitable quality for a commercial business.

The council will inspect your premises when registering you to ensure the standards in the Code are met. The council can withhold registration if they are not satisfied with the food preparation environment.

Planning your mobile food premises

Many councils offer a 'plans approval' service where they review your structural plans and offer advice on the best way to set up your mobile food premises. 'Plans approval' is a useful service but is not required for registration.

Under the Act, you are not obliged to submit plans to council to become registered. However, if your fit-out does not comply your council may choose not to register your business until it does.

It can be costly to modify a mobile food premises after it has been fitted out. Councils have a lot of experience in this area and can assist you in making the right choice from the outset.

Transfer of business

If you have bought an existing mobile food premises you must apply to council to register it in your name. You cannot use the previous owner's registration or Streatrader account. This ensures that any trading history or compliance issues are not transferred into your name.



Step 3: Apply for registration

- Complete a registration application on Streatrader (you cannot operate until your application has been approved).
- Understand and meet all relevant registration requirements.
- Pay the council registration fee.
- Undergo a council inspection.

How long will it take?

If your application is not acknowledged within five business days, please contact your local council.

What to expect from your local council during the application process

Once you have submitted your application using Streatrader, the council you have applied to will be automatically notified of your new application.

The council will review your application and then contact you to ensure you comply with the registration requirements. The council will advise you of any registration fees and inspect your mobile food premises.

Initial inspection

All mobile food vans must be inspected by the environmental health officer from your registering council before you can be granted a registration. The purpose of the inspection is to make sure your business complies with the standards set out in the Code (chapters 3.2.2 and 3.2.3).

Registration fees

Each council determines the fees they will charge for registration. You will be charged an initial fee for registration which is for a 12-month period. You will also need to pay a fee for the annual renewal of your registration.

For some councils, fees can be paid online through your Streatrader account. They will be payable when the council is ready to process your application.

If your council does not offer online payments, they will send you an invoice or advise you of alternative payment methods.

Please contact your council for information regarding their registration fees.

Step 4: Notify of your intention to trade

Trading day-to-day

Statement of trade (SOT)

Before you start trading you will need to lodge a SOT using your Streatrader account to detail where and when you intend to trade. This can be a particular site such as a market or event, or an area where you are driving your mobile food premises around to a number of trading sites; this is called 'roaming' (for example, servicing factories during coffee breaks at multiple locations). You can fill out SOT applications via your Streatrader account. These can be completed any time after your registration has been approved by council.

Your registering council is also notified when you have lodged a SOT so they are aware of your activities. You can enter multiple dates on a single SOT for recurring events such as markets. It is a requirement of the Act that a SOT be submitted at least five days before you intend to trade.

Other permits

A SOT may not be the only requirement when trading within a council area.

In addition to meeting your obligations under the Act, if you are roaming or trading on public land or the roadside, you must comply with all other relevant laws and have the necessary permits for your activities.

Local laws and trading sites

Your registering council can provide you with advice on their local laws and required permits for selling food to the public in their local area (such as in parks and on roadsides).

If you are looking at trading outside of your local area contact the relevant council about roadside trading as this varies from council to council.

Trading opportunities

Councils are often involved in or have information on events and markets in their area. You may therefore want to contact councils about upcoming trading opportunities.

Step 5: Trade

You can start to trade once you have:

- received confirmation that your registration has been approved by council
- lodged a SOT
- organised any other permits you may need.



Understanding food premises classification and your legal obligations

For purposes of the Act, all food premises trading in Victoria are grouped in to one of four 'classes'. Each class is based on the level of food safety risk involved in the food handling activities conducted at the business. There are four classes of food businesses in Victoria but in most situations only classes 2 and 3 apply to mobile food businesses

Councils are responsible for classifying food premises. When you fill out your Streatrader application, the form will ask you what types of food you are selling out of each premises and how you are preparing it. The system will then determine the class of your premises for you.

In general:

- Class 2 premises handle high-risk foods that need correct temperature control at all times to keep them safe.
- Class 3 premises handle unpackaged low-risk foods and/or pre-packaged high-risk foods.

Each classification comes with its own legal obligations and procedures that you must follow throughout your registration period.

The following table gives examples of the foods and food-handling activities that fall into the different classes of mobile food premises (class 2 and 3 only).

Class	Examples of foods and food handling
Class 2	Businesses handling high-risk foods which need correct temperature control at all times to keep them safe, such as: <ul style="list-style-type: none">• Ready to eat take away foods, such as:<ul style="list-style-type: none">– pizzas, gozleme, hamburgers, kebabs, souvlaki, burritos– salads– deep fried foods– barbecue with meats (burgers, bacon, sausages), eggs or vegetables curries, pastas, rice dishes, noodle dishes– desserts or cakes containing cream, custard or raw egg– soft serve ice cream– freshly squeezed fruit juices– dumplings– hot dogs.
Class 3	Businesses handling unpackaged low risk food, or pre-packaged high-risk foods, such as: <ul style="list-style-type: none">– unpackaged baked goods such as bread and donuts– coffee and tea– unpackaged nuts, chocolate or confectionary– popcorn and fairy floss– slushies and milk shakes– wine or beer sold by the glass.

Class 4

- whole fruit and vegetables
- cake stalls selling wrapped, unopened cakes with no cream or raw egg
- unopened bottles or jars of honey, relishes, sauces
- pasteurised milk, bottled or in unopened cartons
- packaged nuts
- fresh or dry packaged herbs
- packaged confectionary, chocolates and snacks or canned drinks
- packaged beer, wine and spirits
- wine samples

Note: Any packaged class 4 product becomes a class 3 when opened for tastings or sampling (wine, not including other types of alcohol, is exempt from becoming a class 3)

If you are unsure of your classification, contact your local council. You can find your council contact details on the Department of Environment, Land, Water and Planning's [Find your council website](http://www.dtpli.vic.gov.au/local-government/find-your-local-council) <www.dtpli.vic.gov.au/local-government/find-your-local-council>.

Requirements for each class

Based on the food safety risks involved in a premises' food handling activities, each classification carries certain legal obligations that must to be met.

Class	Food Safety Program	Food safety supervisor	Initial council inspection
Class 2	Yes	Yes	Yes
Class 3	No	No	Yes



Food Safety Programs and record keeping

Class 2

Class 2 premises are required by law to have a Food Safety Program. This is a written plan that shows how your business will manage the safety of the food you sell.

If your business is required to have a Food Safety Program it must be in place before you start trading.

How do I get a Food Safety Program?

As a class 2 business, you will have the choice of either writing your own Food Safety Program or using a Department of Health and Human Services registered Food Safety Program template.

The department's registered template is a simpler and less costly option and can be found on the Food Safety Unit's webpage under 'Food Safety Programs'.

Writing your own Food Safety Program or using the department's registered templates each have advantages. Contact your council's environmental health unit for suggestions on which option might be best for you.

Class 3

Minimum records

The main food handling activities of class 3 businesses are not commonly associated with food poisoning. Due to this lower level of food safety risk, these businesses are not required to have a Food Safety Program.

However, if you are operating a class 3 mobile food premises you must keep certain minimum records that apply to your activities.

The minimum records that need to be kept can be found in the *Food safety guide for food businesses – class 3* booklet on the Department of Health and Human Services' Food Safety Unit website.

Not all the records will be relevant. For example, if you don't sell foods that require temperature control at all times, you don't need to keep records for cold storage.

Please contact your council for further advice.



Food handlers and food safety supervisors

Food handlers

There is no legal requirement for every food handler working in your business to attend a training course. However, you must make sure all staff has the food safety and hygiene knowledge and skills required for the work they do.

A formal course may be the best way to go, but other options are also available. These include recognition of prior experience in the food industry, on-the-job training, in-house training sessions and self-instruction.

[Dofoodsafely](http://dofoodsafely.health.vic.gov.au/), <dofoodsafely.health.vic.gov.au/> is a useful learning resource for food handlers working in class 2 or 3 food premises. This free online program was developed by the Department of Health and Human Services' Food Safety Unit to improve food handling practices. It is also available in Arabic, simplified Chinese and Vietnamese.

Food safety supervisor – class 2 premises only

Class 2 food premises are required by law to have a food safety supervisor. Your council will not be able to register your business under the Act unless your business has a food safety supervisor.

Your food safety supervisor is responsible for food safety in your business and needs to have a good knowledge of food safety, have the ability to supervise food handlers, and have the authority to give directions if unsafe food practices are observed.

The easiest way to ensure your nominated person has met the correct competencies to be considered a food safety supervisor is for them to attend a formal training course offered by a registered training organisation (RTO).

Whether your food safety supervisor meets the competencies through prior learning or by attending a training course, the food safety supervisor must have a valid *Certificate of attainment* from an RTO showing they have met the requirements. The registering council will expect to receive a copy of your food safety supervisor's certificate.

Your food safety supervisor does not need to be on site each time you trade. You will also need to make sure that they have trained your other staff to recognise food safety risks and ensure that the food they are preparing or selling is safe.

For further information on selecting your food safety supervisor, competencies that need to be attained and fact sheets in several languages, visit the [health.vic food safety page](http://www2.health.vic.gov.au/public-health/food-safety) <www2.health.vic.gov.au/public-health/food-safety>.

To find an RTO in your area that provides the required training, visit the [Australian Government's training website](http://www.training.vic.gov.au) <www.training.vic.gov.au>.

Why is compliance with food laws important?

As a food business owner you are legally responsible for ensuring the food you sell is safe and suitable to eat. Food laws are designed to help achieve this, and complying with them lowers the risk of the food you serve making people sick. In turn, this lowers the risk of action being taken against you by your council or the public.

Council inspections

In addition to your initial inspection as part of the registration process, your mobile food premises may be inspected at any time throughout the year. This can be done by environmental health officers from any council in whose municipality you are trading. Inspections may be a spot check or in response to a complaint and will usually be done without notice.

What if council decides your business is noncompliant with the Act?

The results of all council inspections of your premises are recorded on Streatrader against your registration. If the inspecting officer identifies a food safety or hygiene problem that suggests your business is not complying with the Act, your registering council will be automatically notified of the issue.

Your council will determine whether there has been a breach of the Act or the Code, and whether the issue poses a risk to public health and will take action accordingly. If the council considers that the non-compliance can be rectified easily, you will be advised verbally or in writing of any changes that need to be made. The council will record this communication against your Streatrader registration and ensure the issue is followed up with you.

If the issue is serious, or if several non-compliances are recorded in relation to your registration, the council may take enforcement action against you. A range of enforcement options are available to councils, including:

- issuing a notice to take corrective actions that can be used as evidence against you in court if you do not comply
- issuing you with an infringement notice (fine) – this can be issued on the spot
- seizing food
- restricting your food handling activities or closing your premises
- prosecution.

As each inspection is recorded in Streatrader, your trading history is available to every council in whose district you trade. If you have a history of non-compliance, councils are more likely to inspect your mobile food premises to ensure you are working safely.

More information

Contacting your council

For queries relating to starting your business, registering mobile food premises, registration processes and fees, please contact your local council for assistance.

You can find your council contact details on the Department of Environment, Land, Water and Planning's Find your council website at: <www.dtpli.vic.gov.au/local-government/find-your-local-council>.

Contacting the Department of Health and Human Services' Food Safety Unit

GPO Box 4057

Melbourne VIC 3001

Phone: 1300 364 352

Email: foodsafety@dhhs.vic.gov.au

Web: www2.health.vic.gov.au/public-health/food-safety

Other contacts

Australian Business and License Service

Web: ablis.business.gov.au

Dairy Food Safety Victoria

Web: www.dairysafe.vic.gov.au/

Phone: 03 9810 5900

The Food Act 1984

For more information on the Act visit Food Standards Australia New Zealand website at:
<<http://www.foodstandards.gov.au/about/background/foodlaw/pages/default.aspx>>.

Energy Safe Victoria

Web: www.esv.vic.gov.au

Phone: 1800 800 158 Food Standards Code

Web: www.foodstandards.gov.au/code

PrimeSafe (regulates fresh meat and seafood)

PO Box 2057

South Melbourne VIC 3205

Phone: 03 9685 7333

Web: www.primesafe.vic.gov.au

Small Business Victoria

Web: www.business.vic.gov.au

Phone: 13 22 15