

# FOOD BUSINESS LICENSING

Food Act 2006

The Queensland *Food Act 2006* requires local governments to license relevant food businesses. Most food businesses that handle food for sale, regardless of whether the business enterprise or activity is of a commercial, charitable or community nature, will require a food licence. A food business that is licensable must not operate without a food licence.

## LICENSABLE FOOD BUSINESSES

### Businesses are licensable if they are:

- » making biscuits or cakes for retail sale
- » making food for wholesale (i.e. selling in bulk to a reseller)
- » processing food (milling, peeling, cutting or freezing)
- » bottling or canning food
- » packing unpackaged food such as packing bulk coffee for wholesale
- » making ice
- » cutting fruit and vegetables (including fruit shops).

### Businesses are licensable if they sell unpackaged food by retail such as:

- » restaurants, delicatessens, and takeaway shops
- » catering businesses
- » motels providing meals with accommodation
- » businesses selling unpackaged food from a vending machine
- » child care businesses
- » private residential facilities
- » bed and breakfast businesses
- » hostels
- » market stalls.

## FOOD BUSINESSES WITH AN EXEMPTION

Businesses that have a specific exemption from needing a food license with Council include:

- » primary producers (administered by state government) and sellers of whole fruit and vegetables
- » seafood processing (administered by state government), except where the seafood is cooked
- » state or government owned corporations including state school tuckshops run by Parents and Citizens Associations
- » food to be donated to a non-profit organisation for sale by the organisation

- » sellers of unpackaged snack food such as corn chips, potato chips, confectionary, nuts, dried or glazed fruit, biscuits and cakes (however the business where the biscuits and cakes are made needs to be licensed)
- » sellers of tea, coffee, soft drinks, or alcoholic drinks
- » sellers of ice, including flavoured ice
- » non-profit organisations, if the meal consists only of fruit, cereal, toast or similar food, or if the consumer of the meal helps prepare it
- » non-profit organisations selling unpackaged food not considered to be a meal, i.e. BBQ sausage sizzle
- » non-profit organisations that store, heat or otherwise prepare meals in accordance with the meal's manufacturer directions
- » non-profit organisations selling meals prepared as part of an educational or training activity.

Even though a licence may not be required, these businesses still have an obligation to comply with the Food Safety Standards and to ensure food is safe and suitable. This includes ensuring that the design, construction and fit out of the food premises complies with 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.

## TYPES OF FOOD LICENCES

Townsville City Council has four different types of food licenses to cater for different types of food manufacturing and sale. These include fixed commercial food premises, mobile food vehicle, domestic kitchen and temporary food stall.

### Fixed commercial food premises

Fixed commercial food premises must comply with all parts of the Food Safety Standards 3.2.2 and 3.2.3. There are no limits on the types of foods or scale that a fixed commercial food premises can deal with. However, the premises must be suitable and appropriate.

### Food vehicles

Mobile food businesses that prepare and sell food within their vehicles are subject to the same requirements as a fixed commercial food premises. Food vehicles that only sell pre-packaged food items are exempt from licensing requirements.

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## Temporary food stalls

Temporary food stalls are an important feature at many festivals, fetes and markets. Examples include BBQ, hot chips or hot dog vendor. Temporary food stalls can pose a higher risk to consumers than restaurants due to their temporary nature. Therefore, it is important to ensure your stall is set up and operating in compliance with the Food Safety Standards.

If you believe a business is operating without a licence, contact Council and advise us with as many details as possible, including the trading name, address, types of foods sold and the day or time they were operating. Council follows up on any unlicensed food businesses by ensuring they apply for appropriate licensing and taking enforcement action where necessary. Financial penalties for operating a food business without a licence can be significant.

## Domestic kitchen licence

There are a set of minimum operational and structural requirements that domestic kitchens must meet to ensure the production and sale of safe food to the public at markets, fetes and other similar events. The domestic kitchen licence is also relevant for small-scale food service such as bed and breakfast businesses.

## MORE INFORMATION

If you require further information, visit Council's website [townsville.qld.gov.au](http://townsville.qld.gov.au), or call Council's Customer Service Centre on 13 48 10.