

Starting a Food Business in the ACT

Providing safe food to your customers is not only good for your business, it is also required by law. All organisations that prepare and serve food for the public have a responsibility to ensure safe food handling.

The *Food Act 2001* outlines the compliance requirements for food businesses operating in the ACT.

The following table shows the different types of registration requirements for selling food in the ACT:

Registration	<ul style="list-style-type: none"> • All permanent food businesses • Non-profit community organisations selling food for service (e.g. school canteens)
Exempt from Registration	<ul style="list-style-type: none"> • A food business that handles or sells food no more than 5 times a year, where each time is no longer than 3 days and where the food handled or sold is either: <ul style="list-style-type: none"> • non-potentially hazardous unpackaged food (e.g. plain scones, whole fruit at a festival); or • food sold straight after thorough cooking, for immediate consumption (e.g. barbecue stall). • A food business that handles or sells food in or from a food transport vehicle that is registered in another State/Territory (e.g. a food van registered in NSW); • A food business that transports food but does not handle or sell food (e.g. courier); • A food business that sells only food that is contained in a closed package and is non-potentially hazardous (e.g. chemist or newsagent);
Exempt from Registration and other requirements	<ul style="list-style-type: none"> • Some non-profit community organisations are exempt from registration and the <i>Food Act 2001</i>, if they are run by volunteers and only sell food for fundraising purposes.
Declared Event Registration	<ul style="list-style-type: none"> • All food businesses, including non-profit community organisations, operating at a declared event, unless they are already registered with the Health Protection Service.

Registration

The *Food Act 2001* requires most food businesses to be registered with the Health Protection Service before opening. To register a food business, the *Food Business New Registration Application* form must be completed and submitted to the Health Protection Service.

A registration fee applies. The fee is based on the risk classification of the food business. Please see 'Determining Your Risk Classification' below for information to help you find out which category your business falls under.

Length of Registration	Risk Classification		
	Low Risk	Medium Risk	High Risk
1 Year	\$122	\$178	\$239
2 Years	\$244	\$356	\$478
3 Years	\$366	\$534	\$717

Registration applications must be accompanied by plans and specifications of the food premises and an *Application for Fit-out and Plan Assessment* for consideration by a Public Health Officer. An inspection will be carried out before a new registration can be granted. Once the business is deemed to have met the requirements of the Food Standards Code and the *Food Act 2001* a registration certificate is issued. This certificate must be publicly displayed at the food premises.

You can choose to register your business for 1, 2 or 3 years. The Health Protection Service mails a reminder notice 3-4 weeks prior to the registration renewal date.

It is an offence to operate a food business without a valid registration unless the food business is exempt from registration. **Determining Your Risk Classification**

The risk classification system is used to help determine which risk category your business falls under. There are three risk categories; low, medium and high. You must complete the risk classification section of the **Food Business New Registration Application** form to determine the risk category of your business. The following definitions will help you when completing the risk classification section of the form.

High-risk foods - are foods that are more likely to be contaminated with and support the growth of microbiological pathogens. These foods require strict temperature control to minimise pathogen growth or to prevent the formation of toxins. Examples of high-risk foods include raw meat, fish, oysters, cooked rice and meat pies.

Medium-risk foods – are foods that may contain microbiological pathogens but will not usually support the growth of these pathogens; **OR** are unlikely to contain microbiological pathogens due to the food type or processing but may support the growth of such pathogens. Examples of medium-risk foods include fruit juice, canned meats, fruit and vegetables, dairy products and milk-based confectionary.

Low-risk foods – are foods that are unlikely to contain microbiological pathogens and will not support the growth of such pathogens. Examples of low-risk foods include grains and cereals, sugar-based confectionary, bread and carbonated beverages.

Ready-to-eat-food – refers to any food that is able to be consumed in the state that it is sold/purchased. This does not include nuts enclosed in their shell or whole fruits and vegetables intended for further processing.

Processing – refers to an activity undertaken to prepare food for sale including cooking, drying, heating, fermenting, pasteurising, thawing and washing.

Pathogen reduction step – refers to a processing step that significantly reduces the number of microbiological pathogens present in food material, for example, cooking, canning, fermentation or pasteurisation.

Construction and Fit Out of a Food Business Premises

The construction and layout of a food business are important to food safety. As such, suitably detailed plans and specifications must be submitted to the Health Protection Service and an inspection carried out before a new registration can be granted.

If you want to build a food premises or alter the structure of an existing food premises you must submit an *Application for Fit Out or Plan Assessment* along with suitably detailed plans. These plans are assessed by a Public Health Officer to ensure their compliance with the Australia New Zealand Food Standards Code.

Forms and plans should be submitted to the Health Protection Service before work commences.

Businesses Exempt from Registration

Some food businesses in the ACT are exempt from registration. However, these food businesses are still required to comply with the requirements of the *Food Act 2001*.

The following food businesses are exempt from registration:

- A food business that handles or sells food no more than 5 times a year, where each time is no longer than 3 days and where the food handled or sold is either:
 - non-potentially hazardous unpackaged food (e.g. plain scones, whole fruit at a festival); or
 - food sold straight after thorough cooking, for immediate consumption (e.g. barbecue stall).
- A food business that handles or sells food in or from a food transport vehicle that is registered in another State/Territory (e.g. a food van registered in NSW).
- A food business that transports food but does not handle or sell food (e.g. courier).
- A food business that sells only food that is contained in a closed package and is non-potentially hazardous (e.g. chemist or newsagent).

The Health Protection Service strongly encourages all stall operators to complete free online I'M ALERT food safety training. For more information visit the [I'M ALERT food safety](#) webpage.

Note: prior to April 2015, these food businesses were required to notify the Health Protection Service of their intention to operate.

Registration Requirements for Community Organisations

As of 20 April 2015, eligible non-profit community organisations that sell food for fundraising purposes are exempt from the Food Act 2001, regardless of the types of food they sell. These organisations are:

- able to sell foods that require temperature control to keep them safe. This includes healthier options such as salads, sandwiches and soups; and
- not required to register with the Health Protection Service or have a Food Safety Supervisor.

All organisations that serve and prepare food for the public still have a responsibility the food they sell is safe, even if they are not covered by the Food Act 2001. If you sell unsafe food, your organisation may be responsible for serious illness or death and charged under criminal law. You may also be subject to a civil law suit. To ensure safe food handling, the Health Protection Service strongly recommends that food stalls follow the Food Stall Guidelines. This document can be found on the [Food Safety Resources for Businesses](#) webpage.

An information sheet has also been developed to assist food stall operators in ensuring safe food handling. This is available on the [Requirements for Community Organisations](#) webpage.

Declared Event Registration

Some larger events that pose a higher public health risk have been declared by the Minister for Health to be regulated under the *Food Act 2001*. All food stalls, operating at a declared event, including non-profit community organisations selling food for fundraising, must register with the Health Protection Service and appoint a food safety supervisor.

For further information about declared event registration requirements visit the [Declared Events in the ACT](#) webpage

Making Changes to an Existing Food Business

Change in Food Business Details

The proprietor must advise the Health Protection Service within 7 days of any change in business registration details or any change in business operation. Examples of such changes include:

- phone numbers/contact details
- business address
- business name
- change in risk classification i.e. change from selling low risk foods to selling high risk foods

To advise of any changes to your business please complete the *Food Business Application to Vary Registration* form below.

Transfer of Ownership of a Food Business

The proprietor of the business must advise the Health Protection Service within 7 days of a change in ownership of the business.

To do so, please complete the *Health Protection Service Application for Transfer of Ownership* form below. Transfer of ownership can only be processed if the food business' registration is current.

Construction and Fit Out of a Food Premises

If you plan to alter the structure of an existing food business premises you must submit a *Notification of Change to Food Business Registration Details* form as well as a *Fit Out or Plan Assessment Application* form along with suitably detailed plans.

Forms and plans should be submitted to the Health Protection Service **before** work commences.

Food Safety Supervisors

All registered food businesses in the ACT must appoint a food safety supervisor, including businesses operating at a declared event. A food safety supervisor is someone who:

- has completed advanced training in food safety (see training requirements below);
- knows how to recognise, prevent and alleviate food handling hazards at your food business; and
- has the ability and authority to supervise other people handling food at the business and ensure that all food handling is done safely.

In order to be appointed as a food safety supervisor, a person must hold a valid statement of attainment for a food safety training course, issued by a Registered Training Organisation,. For further information regarding training requirements for food safety supervisors please refer to the *Food Safety Supervisor Training Guidelines*.

Notification of Food Safety Supervisors

Following registration, new food businesses have 30 days to appoint a food safety supervisor and notify the Health Protection Service. You can do so by completing the *Food Safety Supervisor Nomination Form* and returning the form to the Health Protection Service.

You do not need to submit copies of your food safety supervisor's statement of attainment to the Health Protection Service. However, you must be able to produce it to a Public Health Officer upon request.

If you are operating at a declared event you must provide your food safety supervisor's I'M ALERT completion certificate with your declared event registration application. Please see the [Requirements for Community Organisations](#) webpage for more information.

I'M ALERT Food Safety Training

ACT Health provides access to free online food safety training through the [I'M ALERT Food Safety website](#). This training is available to food handlers and any other interested members of the public. I'M ALERT is designed to provide a basic understanding of safe food handling. The training contains interactive quizzes to test your knowledge of general food safety. A certificate is issued on completion of the training.

ACT Health strongly recommends that all individuals involved in food handling complete this free online course. The course takes about 2 hours to complete.

All food businesses operating at a declared event, including non-profit community organisations must appoint a Food Safety Supervisor who has completed, at a minimum, all modules of the I'M ALERT food safety training. Your food safety supervisor's I'M ALERT completion certificate must be submitted with your declared event registration application.

For more information about Food Safety Supervisor requirements, please see the [Food Safety Supervisors](#) webpage.

Further information

For more information on food safety regulation in the ACT please visit the ACT Health website www.health.act.gov.au/foodsafety. Alternatively you can contact the Health Protection Service on 6205 1700 between 9am and 4:30pm Monday to Friday.

Accessibility

The ACT Government is committed to making its information, services, events and venues, accessible to as many people as possible.

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