



## Application to Register a Food Premises

Food Act 1984

### Information for Food Businesses – Food Act Registration or Notification

The Food Act 1984 (the Act) regulates the sale of food for human consumption.

From 1 July 2021 a new food premises application form also includes change of ownership (previously called transfer of registration). If your business sells food you must either register with, or notify, the council in which the premises is located. This information sheet explains whether you will need to **register** or **notify**.

### Food Act Application for Registration or Notification

There are now 5 classes of food premises – class 1, class 2, class 3A, Class 3 and class 4. The new classification system means that regulatory requirements are better matched to the level of food safety risk associated with the food handling activities at different types of premises.

Class 1 has the highest and class 4 the lowest level of legal requirements. Please see below for further clarification of the classifications

### Class 1 food premises

A class 1 food premises is:

- A facility at which potentially hazardous food is prepared for, or served to, patients, residents, or other persons receiving services at the facility (other than that part of the premises that is a canteen or other place at which food is available to be served to members of the public or staff of the facility).
- A food premises at which the principal activity is preparing ready-to-eat food for either, or a combination of, the following purposes:
  - the food is intended to be served to patients, residents, or other persons receiving services at any of the facilities listed in the table below
  - the food is intended to be delivered to aged persons in their homes or other persons who, due to illness, frailty or impairment are unable to prepare their own food, and the food served, or intended to be delivered, includes potentially hazardous food.
- A supported residential service at which potentially hazardous food is prepared for, or served to, residents, and the majority of those residents are aged persons.

Table 1: Class 1 food premises classification

Type of premises	Examples
A hospital	Including: <ul style="list-style-type: none"><li>• a public hospital</li><li>• a public health service</li><li>• a denominational hospital</li><li>• a private hospital</li><li>• a day procedure centre</li><li>• a multipurpose service – within the meaning of section 3 of the <i>Health Services Act 1988</i>.</li></ul>
Aged care service	A service that provides care in a residential facility. For example: <ul style="list-style-type: none"><li>• a nursing home</li><li>• a hostel for the aged.</li></ul>
Other aged care services	Any other aged care service at which: <ul style="list-style-type: none"><li>• accommodation is provided to aged persons on a permanent or temporary basis in conjunction with regular personal care or nursing services</li><li>• rehabilitation or therapeutic services are provided to aged persons</li><li>• on-call assistance, including meals, is provided on request to aged residents.</li></ul>
Children's service <sup>1</sup>	A children's service premises within the meaning of the <i>Children's Services Act 1996</i> , or the <i>Education and Care Services National Law Act 2010 (Victoria)</i> including:

- childcare centres
- kindergartens.

### **Class 2 food premises**

A food premises at which:

- any unpackaged potentially hazardous food is handled or manufactured, or
- low-risk food is manufactured, for which any allergen-free claim is made, other than
  - a class 1 food premises
  - a food premises at which the only handling of unpackaged potentially hazardous food is of a kind which makes the premises a class 3 food premises or a class 4 food premises
  - a home-based business that produces low-risk packaged or unpackaged foods for which an allergen-free claim is made.

### **Class 3 food premises**

A class 3 food premises is one at which one or more of the following food handling activities occurs:

- the handling of unpackaged low-risk food
- the warehousing or distribution of pre-packaged foods
- the sale of pre-packaged potentially hazardous food
- the sale of shell eggs
- the offering to members of the public a free sample of a potentially hazardous food for immediate consumption if:
  - that food is, or will be, available for sale at the premises in a packaged form
  - the sale of ready-to-eat, potentially hazardous food by a community group if:
    - all the food is cooked on site with the intention of being served immediately
    - the majority of persons involved in the handling of the food are volunteers
    - this activity takes place at the premises for a maximum of two consecutive days at any one time
    - the making of sweet or savory foods, which do not require temperature control for safety for a minimum period of 24 hours, which are:
      - uncooked, and that may or may not contain dry nuts (whole or crushed), seeds, dry fruits, protein powder (or similar supplement), and other low-risk ingredients
      - after baking, are a low-risk food, including, but not limited to, cakes (including fruit cakes), cupcakes (with or without icing), bread, biscuits, crackers, muffins, croissants, and other pastries where all the ingredients are cooked, and
      - have no potentially hazardous foods added to the product after baking, for example, fresh cream, custard.

### **Class 3A food premises**

A class 3A food premises is on at which one or more of the following food handling activities occurs:

- Preparation and/or cooking of potentially hazardous foods which are served to guests for immediate consumption at an accommodation getaway premises.
- Food is made using a hot-fill process resulting in a product such as chutney, relish, salsa, tomato sauce or any other similar food, that:
  - is made at a home-based or temporary food premises, for example, a hired kitchen, and
  - has been heat treated to a temperature of not less than 85 °C and then filled and sealed hot into its packaging, and
  - is acidic (pH of less than 4.6), and
  - has salt or sugar or any other preservative added.

### **Class 4 food premises**

A class 4 food premises is one at which the only food handling activities are one or more of the following:

- The sale to the public of:
  - pre-packaged low-risk food
  - sausages that are cooked and served immediately, with or without onions, cooked at the same time, and bread and sauce, when cooked and sold at a temporary food premises or undertaken by a not-for-profit/community group

- packaged or covered cakes (other than cakes with a cream filling) at a temporary premises by a not-for-profit/community group
- biscuits, tea, or coffee (with or without milk or soymilk) at a temporary premises by a not-for-profit/community group.
- A wine tasting for members of the public, which may include the serving of cheese or low-risk food, which has been prepared and is ready-to-eat.
- The sale to the public, or wholesale, of whole (uncut) fruit or vegetables.
- The handling of low-risk food or cut fruit or vegetables and the serving of that food to children at an education and care services facility within the meaning of the *Education and Care Services National Law Act 2010*, and children's services within the meaning of the *Children's Services Act 1996* (Victoria).
- The offering to members of the public a free sample of a low-risk food for immediate consumption if that food is, or will be, available for sale at the premises in a packaged form.
- The serving of coffee, tea (with or without milk, soy, almond or any other liquid), alcohol (including the addition of sliced fruit, pasteurised dairy products), water, soft drink (except fermented soft drinks containing a live culture) intended for immediate consumption but does not include unpasteurised processed fruit or vegetables (for example, fresh juice) or any drink which has any other potentially hazardous food added, such as unpasteurised egg.

<sup>1</sup> A class 1 children services excludes after/before school care services, family day care premises or childcare centres that provide cut fruit or any other low-risk food.

**Please tick one of the following:**

1.  The only food handling activities at my premises are as described above for a class 4 classification.  
*Please complete this form and select Notification only on the final page.*
2.  The food handling activities carried out at my food premises involve other activities that are not listed above. If you ticked box 2, you may be required to register with the council. Please contact the council to discuss:
  - the process for registering your premises using the application to register a food premises form; and
  - whether your premises is a class 1, 2, 3 or 3A. This will decide whether you require a food safety program and/or a food safety supervisor.

If you operate a supported residential service you will need to inform the Council whether the majority of your residents are aged persons. Council will ask if you handle or intend to handle high risk foods. This means food that requires temperature control (refrigeration or heating). For example meats, chicken, fish, smallgoods, custard, cream, salads, cooked pasta, eggs and sandwiches.

## Application to Register a Food Premises

Food Act 1984

**NEW APPLICATON**

### Proprietor details

Title	Surname	Given name(s)
<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>	<input style="width: 90%;" type="text"/>
If the proprietor is a company or association, specify name of person completing the application and authority (e.g. Director of company)		Company name (if applicable)
Authority		
<input style="width: 90%;" type="text"/>		<input style="width: 90%;" type="text"/>

e.g. Director of company

Street address / Postal address

Suburb / Town

State

Postcode

Please provide at least one phone number and include the area code

Business phone

Home phone

Business fax

Mobile

Email

### Premises Details

Trading name of premises

#### Premises address

Street address

Suburb / Town

State

Postcode

#### Contact person at premises (if not the proprietor)

Title

Surname

Given name(s)

Please provide at least one phone number and include the area code

Business phone

Home phone

Business fax

Mobile

Email

Type of food premises

#### Food vehicle details (if applicable)

Registration number

Make

Model

At what address is the vehicle garaged when not in use?

Street address

Suburb / Town

State

Postcode

### Community group

A community group is a not for profit organisation or a person(s) undertaking a food handling activity solely for the purpose of raising funds for charitable purposes or for a not for profit organisation.

Are you a community group that sells food for up to two consecutive days at a time and most food handlers are volunteers?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If NO, go to section: Food related details				
If YES, are you selling ready to eat high risk food?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If NO, you are classified as a class 3. Go to section 5: Classification.				
If YES, is all the high risk food cooked on site with the intention of serving immediately?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, go to section: Food related details. If NO, you are a class 2, however you are exempt from the food safety supervisor requirements. Go to section Classification				

### Food related details

This section is to be completed in discussion with the local council. The answers will determine the classification of your food premises - class 1, 2 or 3, 3A or 4

<b>Q1. Are you a wholesaler / distributor of pre-packaged food?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, is this the only food handling activity at your premises?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, you are classified as a class 3. Go to section: Classification				
If NO, proceed to question 2.				
<b>Q2. Is the food prepared or served exclusively for people or patients in an aged care service, hospital, or meals on wheels service?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, you are classified as a class 1. Go to section: Classification				
If NO, proceed to question 3.				
<b>Q3. Is the food prepared or served exclusively for children at a childcare centre?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If NO, proceed to question 4.				
If YES, is the food high risk?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, you are classified as a class 1. Go to section: Classification				
If NO, proceed to question 5.				
<b>Q4. Are you a greengrocer that only sells fruit, vegetables and/or packaged food?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If NO, proceed to question 5.				
If YES, do you prepare fruit salad, fruit juice or salads?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, you are classified as a class 2. Go to section: Classification				
If NO, do you cut / slice fruits and vegetables?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, you are classified as a class 3. Go to section: Classification				
If NO, you do not require Food Act registration. You only need to complete the notification form.				

If none of the above applies to your premises, the classification of your premises will depend upon the risk associated with your food handling activities such as refrigeration and cooking, Please answer the following questions to assist the council in determining whether your premises is a class 2 or 3.

<b>Q5. Do you handle any food that does not require refrigeration?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food pre-packaged?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food being prepared / made and sold directly to the public?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food being manufactured on the premises to be sold to retail shops / wholesale/distributor?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food being re-packaged?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>Q6. Do you refrigerate, cook and/or reheat food?</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food pre-packaged?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food unpackaged?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food being sold prepared and sold directly to the public?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is any of the food being manufactured and sold to retail shops/wholesale/distributor?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

## Classification

Following discussion with council about your food handling activities select your food premises classification, below, as advised by your council:

Food Premises Classification \*  Class 1  Class 2  Class 3  Class 3A  Class 4

**Classification selection is necessary so that you can complete the remainder of this application form.**

**For further information, refer to the Food Classification Tool at <http://www.foodsmart.vic.gov.au/foodclass/>**

If your food premises is classified as a class 1 or 2, go to section: Food Safety Program (FSP).

If your food premises is classified as a class 3, 3A or 4 proceed directly to section: Declaration.

## Food Safety Program (FSP)

**Class 1 and 2 food premises only.**

**You must complete either question (1) Standard Food Safety Program or question (2) Non Standard Food Safety Program, depending on the type of program used at your premises.**

**Q1. Do you have a Standard Food Safety Program?**

Yes  No

If NO, proceed to question 2.

If YES, please select the type of FSP and proceed to section: Food Safety Supervisor

- Food Safety Program Template for Class 2 Retail & Food Service Businesses No. 1. Version 3
- Food Smart (Online) <https://www.foodsmart.vic.gov.au/en/>
- Other FSP template registered by the Secretary of Department of Health

Name of program

Registered number of template

**Q2. Do you have a Non Standard Food Safety Program (Independent FSP)?**

Yes  No

Has the premises been audited by an approved food safety auditor in the previous 12 months?

Yes  No

If the answer is NO, please specify when the premises is to be audited.

Date of audit

Name of Food Safety Program

**Class 1 premises only**

Has the food safety program been significantly revised since the last copy was provided to the council?

Yes  No

**Declared QA Food Safety Program**

Has the FSP been prepared under a QA system or code declared under the Food Act?

Yes  No

If NO, proceed to section: Food Safety Supervisor

If YES, complete the following details

- Specify the declared QA system or code:

- Audit certificate attached

Yes  No

- If YES, attach the certificate from the food safety auditor confirming that the program has been prepared under and conforms with that QA system or code.

- If NO, specify the date when the audit is to be undertaken

Does the FSP include competency based or accredited training for staff of the premises?

Yes

No

If YES, you are exempt from the food safety supervisor requirement

### Required documents

There are no attachments if you have a template standard food safety program

**Class 1 Premises - attach a copy of the non-standard/independent food safety program if it has been significantly revised since the last copy was provided to the council** Only (1) Copy

### Food Safety Supervisor

**Class 1 and 2 premises only.**

By ticking this box, I acknowledge that I will ensure that there is an appropriate food safety supervisor for the premises

**Please note that a food safety supervisor is not required if the food premises:**

- has a declared QA food safety program that includes competency based or accredited training for staff of the premises; or
- is a community group that is exempt as described on page 2 of this form.

Name of Food Safety Supervisor

### Payment details

#### Fees:

- Class 1: \$966 for new registration**
- Class 2: \$792 for new registration**
- Class 3: \$524 for new registration**
- Class 3A: \$262 for new registration**
- Class 4: notification only – no fees**

## Declaration

### Class 1, 2, 3 & 3A premises

I understand and acknowledge that:

- The information provided in this application is true and complete to the best of my knowledge
- This application forms a legal document and penalties exist for providing false or misleading information

### Class 3& 3A food premises only

In addition to the above and by ticking this box, I acknowledge that I will ensure that the appropriate minimum records required under the Food Act for the premises will be kept

If the business is owned by a sole trader or a partnership, the proprietor(s) must sign and print name(s).

If the business is owned by a company or association - the applicant on behalf of that body must sign and print their name.

Applicant signature

Applicant signature

Print applicant name

Print applicant name

Date

Date