

What constitutes a Mobile Food Premises

A mobile food premises is a vehicle from which a person sells unpackaged food by retail, or a food vending machine, and has specific design requirements that need to be considered. Mobile premises may include caravans, ships, or food carts. Mobile premises do not include food transport vehicles used to transport food for off-site catering from a business to a retail premises for sale, or for the home delivery of food by order, for example, pizza home delivery.

Relevant Legislation

The *Food Act 2006* requires certain food businesses to be licensed by their local government in Queensland. However, food businesses that are exempt from holding a licence are still required to comply with the *Food Act 2006* and the *Australia New Zealand Food Standards Code* to ensure food they sell is safe and suitable.

In the Mount Isa local government area, the commercial use of local government controlled areas and roads is a prescribed activity under Section 5 of the *Local Law No.1 (Administration) 2013*. Therefore, it is an offence for a mobile food business to trade on the road side or from public places, such as parks, play grounds, clubs and associations, without approval from Mount Isa City Council.

Mobile food businesses are permitted to operate on private property with the consent/approval of the owner, however this is dependent upon the property's zoning and permitted land use. For example, a privately owned car park should not be used for any purposes other than parking cars. To do so may require approval from Mount Isa City Council's Town Planning Department. Furthermore, under Part 5, Division 12 of the current *Mount Isa City Planning Scheme*, the commercial use of residential premises must not encroach upon the primary use of the premises as a residential building. Therefore, property owners should seek advice from Mount Isa City Council's Town Planning Department in relation to the Home Business Code, for which compliance is mandatory under the *Mount Isa City Planning Scheme*.

Food Business Licencing

All food businesses must be licensed with the local government, except those that sell only the following:

- unpackaged snack food that is not potentially hazardous (biscuits or cakes, confectionary, corn chips, potato chips, nuts, dried or glazed fruit);
- whole (uncut) fruit or vegetables;
- seeds, spices, dried herbs, tea leaves, coffee beans or ground coffee;
- the grinding of coffee beans;
- the sale of drinks (other than fruit or vegetable juice processed at the place of sale);
- the sale of ice, including flavoured ice; or
- food from non-profit organisations in certain circumstances, when operating less than 12 days each financial year (see the Queensland Health document Food safety for fundraising events).

Licensable food premises operating without a licence face penalties of up to \$110,000.



Businesses Obligations

Mobile Food Business must:

- advise council prior to starting mobile food business regardless of whether they need a mobile food licence to trade or not;
- be inspected as per *Australia New Zealand Food Standards Code* and *Food Act 2006* requirements, prior to commencing their business in Mount Isa jurisdiction;
- not use their vehicle for sleeping, carrying pets, or any other activity that has the potential to contaminate food;
- meet minimum requirements as per the 'Food Premises Design, Construction and Fit-out Guide' produced by the South East Queensland Food Safety and Public Health Working Group;
- ensure that food is safe to eat and that the *Food Standards Code* is applied to the operations and construction of the mobile food business;
- meet the required outcomes from the *Food Safety Standards* when designing and fitting out a mobile food vehicle, just as with a restaurant, takeaway food outlet or café; and
- still comply with the obligations of the licence while operating in a second local government area.

If licenced with Mount Isa City Council's Environmental Health Department under the *Food Act 2006*, food businesses must display a copy of their food licence so that it is clearly visible to customers.

All vehicles must be registered with the Queensland Department of Transport and Main Roads and be operated by a licenced driver.

Food Safety Supervisors

All licensable food businesses are required to have a food safety supervisor who adds an on-site level of protection for day-to-day food safety. There are legislative requirements that must be met and certain competencies that must be attained in order to operate as a food safety supervisor. The licensee must ensure the food safety supervisor is reasonably available to be contacted by food handlers for the food business and by the local government, while the food business is in operation.

For further information on food safety supervisors, please refer to the Queensland Health 'Food Safety Fact Sheet 18 Food Safety Supervisors'.

Further Information

For further information please contact Mount Isa City Council or, alternatively, you may wish to consult the below sources of information:

QLD Health Mobile Premises: https://www.health.qld.gov.au/foodsafety/consumers/mobile_premises.asp

QLD Health Factsheets: <https://www.health.qld.gov.au/foodsafety/>

MICC Local Laws Adopted: <http://www.mountisa.qld.gov.au/locallawsadopted>

MICC Town Planning Scheme: <http://www.mountisa.qld.gov.au/town-planning-scheme>

Food Standards Aus/NZ: <http://www.foodstandards.gov.au/industry/safetystandards/pages/default.aspx>

