



# Food Act 2008 Fact Sheet 11

## Management of Temporary and Mobile Food Businesses

### Purpose:

This fact sheet should be read in conjunction with the policy guideline *WA Food Regulation: Temporary and Mobile Food Businesses*. This guideline contains a Decision Making Advisory Tool that is designed to assist enforcement agencies and food businesses to understand the requirements applicable to temporary and mobile food businesses.

Due to the operating nature of temporary and mobile food businesses, some unique scenarios may arise. This fact sheet contains some of these scenarios and can assist to clarify the provisions of the *Food Act 2008* (Food Act).

<b>Example 1 – A food business that intends to sell its products at temporary locations</b>	
A food business intends to produce biscuits in a commercial kitchen* and decides to sell at various markets in a number of enforcement agency districts.	
Principle 1 – Should the food business register or notify?	The food business will only need to register once with the enforcement agency where the biscuits are made.
Principles 2 and 3 – Should the food business advise of its intention to sell at temporary locations in its registration application?	Yes, the food business should advise that it intends to sell at temporary locations. To enable consistency and ease of administration, the enforcement agency can include in the ‘Certificate of Registration’ that it is approved to sell at temporary locations.
Principle 4 – What should the food business do prior to trading in other enforcement agency districts?	The food business is required to advise all relevant enforcement agencies of its trading locations and should provide evidence that it is registered. Additional registration approvals should not be required to trade in other enforcement agency districts.
Principle 5 – If the food business has already been registered only to produce biscuits but intends to sell at temporary locations, how can approval to do this be arranged?	The food business should submit written notification of change of activities to the enforcement agency that it is registered with, whether it intends to trade in that enforcement agency’s district or not. The registration enforcement agency can amend the ‘Certificate of Registration’ to approve the food business to sell at temporary locations.

\* *The same principles would apply in Example 1 for other types of food businesses, such as restaurants or caterers that intend to sell at temporary locations.*



### Example 2 – A business that operates from a vehicle and stores at a fixed location


Two freezer vans are garaged in a residential property in the Walpole District. The proprietor of the food business stores some frozen fish in a chest freezer at home. The vans are also used to deliver and sell fish to various homes and businesses.

Principle 1 – Does the proprietor need to register or notify?	The proprietor will only need to register once with the enforcement agency where the property is located. The 'Certificate of Registration' will be for the food business and should include all premises including the residential property and the food vehicles licence plate numbers.
Principle 4 – What if, occasionally, some deliveries are outside the registration enforcement agency district?	The business will not need to be registered again by other enforcement agencies. As the food business sells from food vehicles, presenting the 'Certificate of Registration' upon request to other enforcement agencies should suffice.

### Example 3 – A food business that stores at a fixed location and sells at temporary locations

Fun Time Fairy Floss is a food business that is based at a residential premises where packaged fairy floss sugar is stored. The business prepares and sells the fairy floss at a location in a different enforcement agency's district.

Principle 1 – Does the proprietor need to register or notify?	If the only activity of the food business is to store packaged food, only notification would be required. In this case, as food is also prepared (albeit in a different enforcement agency's district), the food business should be registered and assessed by the enforcement agency where the food business is based.
Principle 4 – Does the food business need to be registered by the enforcement agency where it prepares and sells the food?	The food business would not need to be registered again, however should advise the other enforcement agency of its trading locations and provide evidence that it is registered. The other enforcement agency can also assess the food business.
Principle 7 – What if the other enforcement agency observes a serious breach of the Food Act during an assessment?	The other enforcement agency is able to take compliance action against the food business and should notify the registration enforcement agency of any breaches and compliance action that has occurred.



#### Example 4 – A food business that conducts activities that are significantly different from the core nature of its operations

Prudence Preserves is a registered food business that manufactures jams and pickles. Once a year, the food business decides to prepare and sell chilli mussels at a seafood festival.

Principle 5 – Should the enforcement agency where the seafood festival is held register Prudence Preserves; or require that the business provide notification of change to activities?

The food business has decided to undertake an activity that is significantly different from the core nature of its registration approval. As the risk of preparing mussels is higher than preparing preserves and considering this risk has not been assessed by the registration enforcement agency, the enforcement agency where the seafood festival is held can require that the food business obtain a separate registration for this activity

If the proposed activity is similar to the core nature of the registration approval, the food business could be advised to approach the registration enforcement agency and provide notification of change to its activities.

#### Example 5 – Emergency service food businesses

An emergency service provider operates a food business that includes three food trailers designed to cater for employees and volunteers who are responding to emergency situations. The focus of the food business is to provide pre-packaged food that requires minimal preparation. The preparation of hot foods is contracted out to catering food businesses that have appropriate facilities to prepare and serve such meals.

Principle 1 – Is the food business required to register or notify?

The food business is required to register only once with the enforcement agency where the business is based. The 'Certificate of Registration' can cover all food trailers as food premises of the food business.

Principle 4 – Does the food business require another registration approval to operate in other enforcement agency districts?

Once off registration from the enforcement agency where the business is based is sufficient to meet the requirements of the Food Act. If an emergency were to arise in other enforcement agency districts, requiring the business to operate there, the food business should advise these other enforcement agencies of its trading locations.



### Example 5 (continued) – Emergency service food businesses

Principle 5 – Does the food business need to provide notification of change to its activities if it contracts work to a catering food business?	So long as the catering food business is registered, notification of change to activities is not required. Catering food businesses by their very nature involve preparation and delivery of food to other premises, and should be assessed accordingly by the registration enforcement agency.
Principle 7 – Can other enforcement agencies assess emergency food businesses?	Food safety management is very important during emergency situations and enforcement agencies are able to assess emergency food businesses.

### Further Information

The following documents may also be of assistance:

- [Fact Sheet 1: Food Prepared in Residential Kitchens](#) can provide further information on food businesses operating in private residences.
- [Fact Sheet 3: Exempted Food Businesses](#) can provide further information on Part 3 of the *Food Regulations 2009*
- [Fact Sheet 6: Fees and Charges](#) can provide further information on charging fees for Food Act services under the *Local Government Act 1995*.
- [Food Unit Notice 10.02: Management of Community Related Food Activities](#) can provide further information on community and charity events.

### Contact the Food Unit:

Any feedback or concerns please utilise the “Food Unit Query” form which can be downloaded from our website:

[http://www.public.health.wa.gov.au/2/786/3/food\\_informatio.pm](http://www.public.health.wa.gov.au/2/786/3/food_informatio.pm)

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*Note: The information contained in this document covers the food legislation requirements for Western Australia. It is current on the date of publication but may change without notice. The Department of Health is not liable for any costs arising from or associated with decisions based on information here and users should obtain expert advice to satisfy all requirements of the relevant food legislation applicable.*