

Running a market stall in Victoria

Running a market stall in Victoria



To receive this publication in an accessible format phone 1300 364 352, using the National Relay Service 13 36 77 if required, or email foodsafety@dhhs.vic.gov.au

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services April, 2016

Except where otherwise indicated, the images in this publication show models and illustrative settings only, and do not necessarily depict actual services, facilities or recipients of services.

ISBN 978-0-7311-6947-4 (Print)

ISBN 978-0-7311-6948-1 (pdf/online)

Available at <https://www2.health.vic.gov.au/public-health/food->

safety Printed by Digital House, Port Melbourne (1603042)

Contents

Using this guide	1
Definition of 'temporary food premises'	1
Who is this guide for?	2
This guide is not for:	2
Checklist: Starting your market stall business	3
Step 1: Do your research	4
Things to consider before starting your business.....	4
Your council	5
Step 2: Set-up requirements of your premises	7
Design and construction of a temporary food premises	7
Step 3: Apply for registration	8
Registration, requirements and inspection	9
Step 4: Lodging a statement of trade	10
Trading day-to-day	10
Step 5: Trade	11
You can start to trade once you have:.....	11
Food premises classification	12
Understanding your legal obligations	12
Food safety programs and record keeping	14
Class 2.....	14
Class 3.....	14
Food handlers and food safety supervisors	15
Why is compliance with food laws important?	15
More information	17
Contacting your council	17
Contacting the Department of Health and Human Services' Food Safety Unit.....	17

Using this guide

Markets are enjoying increased popularity and adding to Victoria's vibrant food culture. More and more people are attracted to the idea of operating their own market stall, but it can be hard to know where to start.

This simple guide explains the process from start to finish. It includes information about what you need to do to set up your business and who to go to for advice.

Definition of 'temporary food premises'

The *Food Act 1984* (the Act) outlines the Victorian government's food laws. The Act defines a temporary food premises as a tent, stall or other structure that is not permanently fixed to a site.

The definition also includes a permanent structure not owned or leased by the food business and used on an occasional basis. A business that bakes cakes in a hired or community kitchen, for example, is required to be registered as a temporary food premises.

All food premises selling food in Victoria, including temporary food premises, need to have a registration under the Act, which is issued by their local council.

Streatrader

You can apply for an Act [registration for your temporary food premises](https://streatrader.health.vic.gov.au) through Streatrader at <<https://streatrader.health.vic.gov.au>>.



Streatrader is a website developed by the Department of Health and Human Services (the department) to make it easier to register temporary and mobile food premises.

Through Streatrader you can:

- apply for a registration under the Act with your registering council
- renew your registration
- list when and where you will trade (this is called a 'statement of trade' or SOT).

Who is this guide for?

This guide is for businesses using temporary food premises at markets to sell food, including fresh produce, homemade or bought foods, and take-away food.

This guide is not for:

- community groups or businesses operating mobile food vehicles
- businesses selling only low-risk packaged food such as bottled water, canned drinks, confectionary and whole fruit and vegetables. If you are planning to sell only low-risk food, you should contact your local council for further advice.



Checklist: Starting your market stall business

✓ or ✗	Starting your market stall business
<p>Step 1</p> <input data-bbox="204 488 268 544" type="checkbox"/>	<p>Do your research and then start your business:</p> <ul data-bbox="320 499 1375 1025" style="list-style-type: none"> • Search the Business Victoria website for resources to help you plan for and start your own business. • Consider writing a business plan to ensure your business is viable. • Understand the Victorian <i>Food Act 1984</i> requirements you will need to meet before registration. • Think about where you will trade. If you plan to trade at markets, ensure you have arranged all the appropriate site approvals through the event organiser. If you plan to trade at places other than markets, you may need to find out about local laws that will affect you. • Contact your local council for further information. Many councils have a business unit that helps businesses to set up in the local area. • Research trading opportunities at events and markets. • Consider where you will be producing the food you will be selling. Do you need to register another kitchen?
<p>Step 2</p> <input data-bbox="204 1126 268 1182" type="checkbox"/>	<p>Set-up requirements of your premises:</p> <ul data-bbox="320 1137 1321 1283" style="list-style-type: none"> • Understand the minimum set-up requirements for your market stall to ensure you comply with the Food Standards Code at http://www.foodstandards.gov.au/code. • Contact your council for further information. • Obtain all the equipment you need to set up your stall.
<p>Step 3</p> <input data-bbox="204 1384 268 1440" type="checkbox"/>	<p>Register your temporary food premises on Streatrader:</p> <ul data-bbox="320 1395 1321 1581" style="list-style-type: none"> • Complete an application to register on Streatrader (you cannot operate until your application has been approved). • Understand and meet all relevant registration requirements. • Pay the registration fee to council. • Receive confirmation from your council that your application has been approved.
<p>Step 4</p> <input data-bbox="204 1686 268 1742" type="checkbox"/>	<p>Notify the trading council(s) of your intention to trade:</p> <ul data-bbox="320 1697 1310 1798" style="list-style-type: none"> • Lodge a SOT via your Streatrader account detailing when and where you will be trading. • Ensure you have any other permits required by council local laws if necessary.
<p>Step 5</p> <input data-bbox="204 1899 268 1955" type="checkbox"/>	<p>Ready to trade</p> <ul data-bbox="320 1910 1233 2018" style="list-style-type: none"> • Receive confirmation that your registration has been approved by council. • Lodge a SOT. • Organise any other permits you may need.

Step 1: Do your research

Things to consider before starting your business

Starting your business will take time, patience and money. Good research and planning will help you be successful. There are laws you must follow to ensure the food you are selling is safe and suitable for people to eat.

A useful resource to look at before commencing is the [Australian Business Licence and information Service](https://ablis.business.gov.au/pages/home.aspx) at <<https://ablis.business.gov.au/pages/home.aspx>>. This site will guide you through a question and answer process and then provide you with the relevant compliance and support information for you and your business. You can use it to create a useful, personalised package that will include information on:

- taxation
- hiring staff and paying wages
- business registration and ABN information
- local laws
- a registration under the Act .

Business Victoria also provides [information about starting your business](http://www.business.vic.gov.au), which can be found online at <www.business.vic.gov.au> or by phoning 13 22 15.

Below is a list of some of the costs and business details you may need to consider.

Your business

- What food will you sell?
- Where will you prepare your food?
- Are you required to register a kitchen where you pack or make food to be sold at your stall?
- How much food will you need to sell to have a viable business? Is this achievable?
- Will you hire staff?
- How will you promote or market your business?

Costs

- Registration fees (council and business registration)
- Equipment purchases
- Fees for sites at events and markets
- Marketing and promotion
- Insurance
- Staff wages
- Training and uniforms
- Business costs (for example, will you do your own accounting or hire an accountant?).

Licenses and registration

What registration licences and permits do you need?

- Business registration/ABN
- A registration under the Act

Your council

Which council is your registering council?

Temporary food businesses in Victoria are registered by their 'principal' council. Your principal council is determined by:

1. the location at which you **routinely prepare the food** that is sold from your temporary food premises, for example a café or restaurant. If this doesn't apply then:
2. the location at which you **routinely store the food** that is to be sold from your temporary food premises, for example your home, a warehouse or restaurant. If this doesn't apply then:
3. the location at which **you store the equipment to be used at your stall**.
4. If none of the above applies, the location is your business or home address.

If you are from interstate, your registering council is determined by your first trading location each year.

You only need to register with one council, which then permits you to trade across Victoria. Once the registering council approves your registration, you must list all the events or sites where you plan to trade in Victoria. This is called a SOT, which can be submitted at any time up until five days prior to trading. Lodging a SOT is done quickly and easily using your Streatrader account.

Questions to ask your council

Speak to your registering council's environmental health officer to find out what you need to do to register. Before you contact the council, have a clear idea of what types of food you intend to sell. Some questions you can ask include:

- What is your registration process?
- What requirements do I need to meet before you register my food premises?
- How much do you charge for registration?
- How do I organise a registration inspection (if an inspection is required)?
- What trading sites are available in your council area?
- Do I need any other permits?
- What other information do I need to provide with the application?

What councils can and can't do

Councils have certain powers and responsibilities under the Act to ensure food for sale in Victoria is safe and suitable for people to eat.

Councils can:

- make the final decision on the registration of your food business
- determine their own registration fees
- inspect your temporary food premises when you are trading and take appropriate action if your business does not comply with food safety laws
- tell you about other laws that you must comply with (for example, waste provisions)
- stop you from trading if you do not comply with the Act or local law requirements.

Councils cannot:

- refuse your right to apply for an Act registration

- exempt you from being registered on Streatrader. If your registering council chooses to register you outside the statewide Streatrader system, you may be fined when trading in other council districts for not lodging a SOT on the system. Please advise the department's Food Safety Unit if your council does not register your temporary premises on Streatrader.

If you have any questions about a council's role or actions in relation to your business, contact the Environmental Health Unit at your registering council, or the department's Food Safety Unit on 1300 364 352.



Eltham Farmers' Market 2015; picture courtesy of the Victorian Farmers' Markets Association.

Step 2: Set-up requirements of your premises

If you are operating from a stall or tent you must set up your temporary premises to minimise the risk of food becoming contaminated.

There are many ways you can do this. The [Australia and New Zealand Food Standards Code](http://www.foodstandards.gov.au/code/Pages/default.aspx), which can be found at <www.foodstandards.gov.au/code/Pages/default.aspx>, outlines the outcomes that businesses must meet when trading out of their temporary premises.

The day and location of an event heavily influences how you can set up your temporary premises; the standards are flexible so that you can comply in different ways. The council responsible for the area you are trading in will tell you about the set-up requirements.

Design and construction of a temporary food premises

There are some important items you need to ensure that your market stall (temporary premises) meets the requirements of the Act.

Item	Requirement
Water supply	Access to an adequate water supply and clean water storage is required for all premises selling unpackaged foods. Tanks or other containers for clean water storage should be used if no mains water is available. If you are cleaning and sanitising, hot water is required.
Sinks – equipment washing	Adequate sink facilities for food preparation, washing and sanitising. Both hot and cold water will be required for equipment washing, as will appropriate containers for washing and sanitising utensils and equipment.
Hand-washing facilities	Hand-washing facilities must be available on site where unpackaged food is being prepared. It is important to have running water, liquid soap, paper towels and a collection bucket for waste.
Personal hygiene	All food handlers must have the skills and knowledge to handle food safely. Food handlers should wash their hands regularly and before wearing gloves, and change gloves regularly to prevent food from being contaminated.
Food preparation sink	If you are washing fruit and vegetables you must have a sink for this purpose.
Fixtures, fitting and equipment	All fixtures, fittings and equipment such as benches, counter tops, shelving and tables must be constructed of an impervious, durable material free from cracks and capable of being readily and thoroughly cleaned.
Cold storage of high-risk food	If you are preparing high-risk foods, provide adequate cold storage such as a mobile cool room or esky. Cool storage units must be able to maintain food at or below 5 °C and freezers at or below –15 °C. Food also needs to be protected in cold storage to avoid cross-contamination.
Food storage containers	All exposed foods must be stored in food-grade containers during transport and at the event.
Hot display	Provide bain maries to maintain the temperature of hot food at or above 60 °C and protecting cooked food.

Item	Requirement
Protection from dusts and pests	Food must be protected from contamination during: <ul style="list-style-type: none"> • transportation • storage • preparation • cooking • display.
Physical barriers	For safety, cooking equipment must be firmly secured and located away from customers.
Storage of garbage and recyclable matter	Provide adequate fly-proof rubbish bins to meet your waste disposal.
Waste water	Waste water must be disposed to an approved sewer point.



Step 3: Apply for registration

Registration, requirements and inspection

What to expect from your local council during the application process

Once you have submitted your application using Streatrader, the council you have applied to will be automatically notified of your new application.

The council will review your application and contact you to ensure you comply with the registration requirements such as fees.

How long will it take?

If your application is not acknowledged within five business days, please contact your local council.

Registration fees

Your principal council determines the fees they charge for registration. You will be charged a registration fee for the remainder of that renewal period. This will be followed by a renewal of registration fee for the subsequent renewal period. You can do this online.

Some councils accept online payments for fees through your Streatrader account. They will be payable when the council is ready to process your application.

If your council does not offer online payments, they will send you an invoice or advise you of alternative payment methods.

Please contact your council about registration fees.

Where are you sourcing/preparing/storing your food?

If you are preparing and cooking food for sale at your market stall in a kitchen you own or lease, you will need to ensure that kitchen is registered with your council. Both commercial kitchens, such as a restaurant or café, and home kitchens need to be registered.

If you are cooking from a kitchen that has not been owned or leased by you, such as a hired kitchen or community hall, you only need to lodge a SOT via Streatrader detailing the dates of when you plan to be cooking there.

If you are storing food at home, you will also need to register this activity with council.

If you are selling fresh produce such as fruit, vegetables or eggs, with no further processing, you do not need to register your farm or garden with council.

Step 4: Lodging a statement of trade

Trading day-to-day

Statement of trade (SOT) and other permits

Before you start trading you need to lodge a SOT using your Streatrader account detailing where and when you intend to trade. This can be a particular site such as a market or event. You can fill out SOT applications via your Streatrader account at any time after your registration has been approved by council.

You can enter multiple dates on a single SOT for recurring events such as markets. It is a requirement of the Act that a SOT must be submitted at least five days before you intend to trade.

Other permits

A SOT may not be the only requirement when trading within a council area.

In addition to meeting your obligations under the Act, if you trade on public land or the roadside, you must comply with all other relevant laws and have the necessary permits for your activities.

Local laws and trading sites

Your registering council can give you advice on local laws and the permits you need to sell food to the public in their local area such as parks and roadsides.

If you want to sell food outside your local area, contact the relevant council about trading in public places as the process for this varies from council to council.

Trading opportunities

Talk to your council about upcoming trading opportunities that they know about or are involved in, such as events and markets.

Step 5: Trade

You can start to trade once you have:

- received confirmation that your registration has been approved by council
- lodged a SOT
- organised any other permits you may need.



Food premises classification

Understanding your legal obligations

For the purposes of the Act, all food premises trading in Victoria come under one of four classes. Each class is based on the level of food safety risk involved in the food-handling activities conducted at the business. The highest classification a temporary food premises can have is Class 2, and the lowest is Class 4.

Councils are responsible for classifying food premises. When you fill out your Streatrader application, the form will ask you what kind of food premises you are planning to run and how you are preparing food. Streatrader will then determine the class of your premises for you.

In general:

- Class 2 premises handle high-risk foods that need correct temperature control at all times to keep them safe.
- Class 3 premises handle unpackaged low-risk foods, and/or packaged high-risk foods.
- Class 4 premises handle packaged food only (some exemptions apply).

Each classification comes with its own registration requirements and legal obligations and procedures that must be followed during the registration period.

The table below gives examples of the foods and food handling associated with each class, to help you determine your registration requirements.

Food handling

Class	Common examples found at markets
2	<p>Businesses handling high-risk foods that need correct temperature control at all times to keep them safe. Class 2 foods include ready-to-eat take-away foods, such as:</p> <ul style="list-style-type: none">• pizzas, gozleme, hamburgers, kebabs, souvlaki, burritos• salads• deep-fried foods• barbecue with meats (burgers, bacon), eggs or vegetables (does not include sausage sizzles)• curries, pastas, rice dishes, noodle dishes• desserts or cakes containing cream, custard or raw egg• soft-serve ice cream• freshly squeezed fruit juices• dumplings• hot dogs.
3	<p>Businesses handling unpackaged low-risk food, or pre-packaged high-risk foods such as:</p> <ul style="list-style-type: none">• packaged meat from a stall (please note: this does not include seafood)• unpackaged baked goods such as bread and donuts• stalls serving coffee and tea• unpackaged nuts, chocolate or confectionery• popcorn and fairy floss• slushies and milk shakes• wine or beer sold by the glass.

4

Food handling activities such as:

- sausage sizzles
- whole fruit and vegetables
- cake stalls selling wrapped, unopened cakes with no cream or raw egg
- unopened bottles or jars of honey, relishes, sauces
- pasteurised milk, bottled or in unopened carton
- packaged nuts
- fresh or dry packaged herbs
- packaged confectionery, chocolates and snacks or canned drinks
- packaged beer, wine and spirits
- wine samples.

Note: Any packaged Class 4 product becomes a Class 3 when opened for tastings or sampling (wine, not including other types of alcohol, is exempt from becoming a Class 3).



Food safety programs and record keeping

Requirements for each class

Class	Pre-registration inspection	Food safety program (FSP)	Food safety supervisor (FSS)
2	✗	✓	✓
3	✗	Must keep minimum records during operation	✗
4	✗	✗	✗

Class 2

All Class 2 temporary food premises are required by law to have a food safety program (FSP). This is a written plan that shows how your business will manage the safety of the food you sell.

If your business is required to have a FSP it must be in place **before** you start trading.

How do I get a food safety program?

As a Class 2 business you will have the choice of either writing your own food safety program (which would require you to have a third party audit) or using a department's registered food safety program template.

The department's registered template is a simpler and less costly option and can be found on the [Food Safety Unit's](http://www2.health.vic.gov.au/public-health/food-safety/food-businesses) web page, www2.health.vic.gov.au/public-health/food-safety/food-businesses.

The template for temporary food premises is the food safety program template for Class 2 retail and food service businesses, no. 1, version 3.

Writing your own food safety program or using the department's registered templates each has advantages. Talk to your council's environmental health unit to find out which option is best for you.

Class 3

Minimum records

The main food-handling activities of Class 3 businesses are not commonly associated with food poisoning. Due to this lower level of food safety risk, these businesses do not need to have a FSP.

However, if you are operating a Class 3 temporary food premises you must keep minimum records that apply to your activities.

The *Food Safety guide for food businesses – Class 3* booklet on the department's Food Safety Unit website explains the minimum records.

Not all the records will be relevant. For example, if you do not sell foods that require temperature control at all times, you don't need to keep records for cold storage.

Class 3 record keeping is not a registration requirement, but an operational one – and you are required to keep them during your time of operation. Please contact your council for further advice.

Food handlers and food safety supervisors

Food handlers

There is no legal requirement for every food handler working in your business to attend a training course. However, you must make sure all staff have the food safety and hygiene knowledge and skills required for the work they do.

A formal course may be the best way to go, but other options are also available. These include recognition of prior experience in the food industry, on-the-job training, in-house training sessions or self-instruction.

[Dofoodsafely](http://dofoodsafely.health.vic.gov.au/) (<<http://dofoodsafely.health.vic.gov.au/>>) is a useful learning resource for food handlers working in a Class 2 or 3 food premises. This is a free online program developed by the department's Food Safety Unit to improve food-handling practices. It is available in English, Arabic, simplified Chinese and Vietnamese.

Food safety supervisor – Class 2 premises only

Class 2 food premises are required by law to have a food safety supervisor (FSS). Your council will not register your business under the Act unless your business has a FSS.

Your FSS is responsible for food safety in your business. They need to have a good knowledge of food safety, the ability to supervise food handlers and the authority to give directions if they observe unsafe food practices.

The easiest way to ensure your nominated person has the correct competencies to be considered a food safety supervisor is for them to attend a formal training course offered by a registered training organisation (RTO).

Whether your food safety supervisor meets the competencies through prior experience or by attending the training course, the food safety supervisor must have a valid statement of attainment from an RTO showing they have met the requirements. The council will expect to receive a copy of your food safety supervisor's statement of attainment.

Your food safety supervisor does not need to be on site each time you trade. However, you must provide their details and statement of attainment to council officers at any time if asked to do so. You will also need to make sure they have trained other staff to recognise food safety risks and ensure the food they are preparing or selling is kept safe.

For further information on selecting your food safety supervisor, competencies that need to be attained and fact sheets in several languages, see the department's Food Safety Unit's website.

To find an [RTO in your area](#) that provides the appropriate training, you can refer to the Commonwealth Government's training website, <training.gov.au>.

Why is compliance with food laws important?

As a food business owner you are legally responsible for ensuring that the food you sell is safe and suitable to eat. Food laws are designed to help achieve this and complying with them lowers the risk of the food you serve making people sick. In turn, this lowers the risk of action being taken against you by your council.

Council inspections

There is no mandatory inspection required for council to grant you a registration for your temporary food business. Council cannot ask you to set up your temporary premises for inspection as a registration requirement. However, at any time during operation council inspectors from your registering council or

the council where you are trading can inspect your premises. Inspections may be a random spot check or in response to a complaint, and will usually be done without notice.

What if the council decides your business is non-compliant with the Act?

The council records the results of inspections of your premises on Streatrader. A council officer in any municipality in which you trade can undertake an inspection – it doesn't have to be your registering council.

If the inspecting officer identifies a food safety or hygiene problem that suggests your business is not complying with the Act, your registering council will automatically be notified of the issue. Failure to lodge a SOT will also be recorded against your registration if you do not lodge a SOT and are found to be trading.

The council will determine whether there has been a breach of the Act, and whether the issue poses a risk to public health and will take action accordingly. If the council identifies that the non-compliance can be rectified easily, you will be advised verbally and in writing of the changes that need to be made. The council will record this communication on your Streatrader registration, and your registering council will follow it up with you.

If the issue is serious, or if several non-compliances are recorded in relation to your registration, a council may take enforcement action against you. A range of enforcement options are available to councils, including, but not limited to:

- issuing a notice to take corrective actions that can be used as evidence against you in court if you do not comply
- issuing you with an infringement notice (fine) – this can be issued on the spot
- seizing food
- restricting your food-handling activities or closing your premises
- prosecution.

It is important to remember that because each inspection is recorded on your Streatrader account, your trading history is available to all councils. If you have a history of non-compliance the council is more likely to inspect your premises to ensure you are complying with the Act.

All inspections recorded throughout the year will be considered by your registering Council during the renewal process for Class 2 and 3 businesses.

More information

Contacting your council

For queries relating to starting your business, registering mobile food premises, registration processes and fees, please contact your local council for assistance.

You can find your council contact details on the 'Find your local council' website:
www.dtpli.vic.gov.au/local-government/find-your-local-council.

Contacting the Department of Health and Human Services' Food Safety Unit

GPO Box 4057
Melbourne VIC 3001
Phone: 1300 364 352
Email: foodsafety@dhhs.vic.gov.au
Web: www2.health.vic.gov.au/public-health/food-safety

Other contacts and resources

PrimeSafe (regulates fresh meat and seafood)
PO Box 2057
South Melbourne VIC 3205
Phone: 03 9685 7333
Web: www.primesafe.vic.gov.au

Small Business Victoria
Web: <http://www.business.vic.gov.au>
Phone: 13 22 15

Australian Business and License Service
Web: <https://ablis.business.gov.au>

The *Food Act (1984) Victoria*

For more information on the Act visit www2.health.vic.gov.au/public-health/food-safety

Australia and New Zealand Food Standards Code
<http://www.foodstandards.gov.au/code>

Energy Safe Victoria
Web: <http://www.esv.vic.gov.au>
Phone: 1800 800 158