



Cassowary Coast
REGIONAL COUNCIL

Mobile Food Vehicles Construction & Operation Guidelines

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About this Guide

Mobile food vehicles are a great way to take your food business on the road and be where the customers are. With an increase in the number of events and festivals being held in the Cairns region, mobile food vehicles have increased in popularity. Mobile food vehicles are considered to be a food business and, depending on the type of food intended to be prepared for sale, may require a licence under the *Food Act 2006* (*Food Act*).

Mobile food vehicles need to meet the same food safety requirements as other fixed food businesses, regardless of the size of the business or how often food is sold. This means that you need to comply with the provisions of all relevant legislation and are subject to the same licensing requirements as a food business operating from fixed premises.

This guide provides you with all the information you need to consider before starting a mobile food vehicle business, including how to design and construct your mobile food vehicle and how to apply for a food business licence.

What is a Mobile Food Vehicle?

A mobile food vehicle is classed as 'mobile premises' under the *Food Act* and is defined to mean a vehicle from which a person sells unpackaged food by retail or a food vending machine. Mobile food vehicles do not include food transport vehicles that are only used to transport food from a business to another location (for example pizza delivery).

The *Food Act* enables an operator of a mobile food vehicle to take the vehicle into any Local Government area in Queensland and operate under the same licence. The Local Government in which the van operates may inspect the vehicle and take regulatory action if required.

Food Laws

In Queensland, the *Food Act 2006* and the Food Safety Standards set out the legal requirements for serving safe food. Anyone operating a food business needs to comply with this legislation.

Food Act 2006

The main purpose of the *Food Act* is to ensure food for sale is safe and suitable for human consumption. The *Act* manages food safety based on the level of risk that the food business presents to the community. The higher the level of risk, the higher the level of food safety regulation. The *Act* requires Council to assess and monitor the standard of operations in food premises. This is achieved by providing for the licensing of particular food businesses and regular monitoring whilst in operation.

The *Act* requires all food businesses to have a nominated food safety supervisor. It also

requires some higher risk food businesses to have accredited Food Safety Programs. These requirements are intended to increase knowledge of food safety matters throughout the industry.

The Food Safety Standards

The Food Safety Standards set out in the Australia New Zealand Food Standards Code are designed to ensure food businesses produce food that is safe to eat and is based on a preventative approach to the incidence of food borne illness in Australia.

The Food Safety Standards have been incorporated into the *Food Act 2006* and have been adopted across Australia to provide nationally consistent laws. The Food Safety Standards are made up of 3 parts; Food Safety Programs, Food Safety Practices and General Requirements, and Food Premises and Equipment Standards.

There is a new Food Safety Standard, 3.2.2A – Food Safety Management Tools. This Standard introduces new requirements for all food service, catering, and retail businesses that handle unpackaged, ready-to-eat, potentially hazardous foods. Generally, these include caterers, restaurants, cafes, takeaway shops, pubs, supermarkets and delis, food vans and other facilities serving food.

The standard requires relevant food businesses to demonstrate that specific food handling activities are being adequately managed. These businesses will need to implement either two or three of the following tools depending on their food handling activities. The tools are:

1. Mandatory food handler training - (Category 1 & 2 businesses)
2. Appointment of a certified food safety supervisor - (Category 1 & 2 businesses)
3. Substantiation of critical food safety controls - (Category 1 businesses only)

What category is my food business?

1. Category 1 business - A caterer or food service business that processes unpackaged potentially hazardous food into food that is both ready-to-eat and potentially hazardous food. The food is then served to a consumer to eat without any further processing. Category one (higher risk) businesses must implement all three management tools listed above.
2. Category 2 business - A retailer of potentially hazardous, ready-to-eat food, where unpackaged food is handled, but not made or processed onsite (other than slicing, weighing, repacking, reheating or hot-holding). Category two businesses must have a certified food safety supervisor and trained food handlers.

What is food handler training?

Food handler training must include safe handling of food, food contamination, cleaning and sanitising of food premises and equipment and personal hygiene. Food businesses must ensure all food handlers have completed a food safety training course, or have appropriate

skills and knowledge, before they start handling high-risk foods. There are some links to free food handler training below.

What is a certified food safety supervisor?

A food safety supervisor (FSS) must be a person who has recognised, formal certification as a FSS, obtained in the past 5 years. They should have recent, relevant skills and knowledge to handle food safely, particularly high-risk food. For further information refer to the heading, Food Safety Supervisor.

What does “substantiation of critical food safety controls” mean?

Category 1 businesses must keep records or demonstrate that requirements for safely receiving, storing, processing, displaying and transporting potentially hazardous food, and for cleaning and sanitising are being met. These are called ‘prescribed provisions’. The business must show how these have been achieved or verified. The business must make a record, unless it can show in another way it is meeting requirements and be able to demonstrate this to an authorised officer (food regulator). Further information attached - FSS 322A Evidence Tool (Records).

When do I need to implement the tools?

Relevant businesses have until the 8 December 2023 to comply with the new Standard

Need more information?

1. A copy of Food Safety Standard 3.2.2A can be found here - [Standard 3.2.2A Food Safety Management Tools.pdf \(foodstandards.gov.au\)](#)
2. Free food handler training - [Food handlers | Health and wellbeing | Queensland Government](#) (Do Food Safety) [or https://www.cassowarycoast.qld.gov.au/food-safety](https://www.cassowarycoast.qld.gov.au/food-safety) (I'm Alert Food Safety Training)
3. Food safety record templates - [Appendix 8 - Template examples.pdf \(foodstandards.gov.au\)](#)
4. A complete guide to the Food Safety Standards - [Safe Food Australia](#)

Food Safety Supervisor

Your licenced food business must have a Food Safety Supervisor. This person must have the experience and skills relevant to day-to-day food safety handling. They should also have the authority to instruct all staff within the food business.

Who should be a Food Safety Supervisor

- The food safety supervisor should be in a position to oversee food handling and be involved in the day-to-day food handling operations of the food business.
- They must be 'reasonably available' as a point of contact for food handlers and authorised officers.
- 'Reasonably available' means the food safety supervisor works onsite and oversees food handling of high-risk unpackaged foods, or can be easily contacted (e.g. by phone).
- It is not considered reasonable for a business to appoint someone as a food safety supervisor who does not regularly handle food as part of their normal duties, or is never onsite at a food business.

Role of the Food Safety Supervisor

- The food safety supervisor makes sure the business is handling food safely so if something goes wrong, food that may be unsafe to eat is not processed further or served to consumers. The role of the food safety supervisor is to:
- make sure food safety risks are managed and issues are prevented or corrected
- instruct staff, review and update business procedures, and inspect premises and food handling operations
- share their food safety knowledge with other food handlers
- foster a positive food safety culture, so food safety is a top priority in 'the way we do things here'.
- The business needs to make sure the food safety supervisor is able to fulfil these duties.

What are the requirements?

From 8 December 2023, food service, caterer and related retail businesses in Australia need to meet new food safety supervisor requirements.

Under Standard 3.2.2A - 11, category one and two businesses must: appoint a certified food safety supervisor (FSS) before engaging in a 'prescribed activity'

- The certificate must be from either a registered training organisation or an organisation recognised by the relevant food regulator .
- The certificate must have been obtained within the past 5 years
- The food safety supervisor is reasonably available to advise and supervise each food handler engaged in that prescribed activity.
- Prescribed activities involve handling unpackaged potentially hazardous foods that are ready to eat, which are high risk.

Food Safety Supervisor Certificate

- The certificate will show the participant has completed the required units for the food safety supervisor course.
- Details of food safety supervisor competency units are available on the national register of vocational education and training website at training.gov.au
- Some training organisations may offer refresher courses for those who have received the qualification previously.
- Alternatively, the complete FSS course will need to be repeated every five years.
- The food safety supervisor should be able to provide their certificate to an authorised officer, if requested.

Food Safety Supervisor requirements for non category 1 or category 2 businesses

Food safety supervisors are still required for non category 1 and category 2 businesses, however the mandatory training and the obligation to undertake a refresher course detailed under Standard 3.2.2A are different.

You need to advise Council:

- the name and contact details of the Food Safety Supervisor within 30 days of the licence being issued. There is no fee for this.
- the name and contact details of any new Food Safety Supervisors within 14 days of the person becoming a Food Safety Supervisor
- if there is any changes to the contact details of the food safety supervisor within 14 days of the change
- if a person ceases to be a Food Safety Supervisor within 14 days of the change

You can notify Council of your Food Safety Supervisor by:

Phone: 1300 763 902

Email: administration@cassowarycoast.qld.gov.au

Mail: Cassowary Coast Regional Council, PO Box 887, Innisfail QLD 4860

Obligations

Your role

Whether you require a licence or not, as a food business operator, you have a responsibility to ensure that any food for sale and/or prepared at your business is safe and suitable for human consumption. This is a legal requirement of the *Food Act 2006*.

If you need a food business licence, you must submit the required application to Council with the relevant application fee at least 30 days prior to either the fit out of your vehicle and/or when you intend to operate. You will not be able to commence operation of the food business until you have received a food business licence from Council.

Our role

CCRC has a responsibility to regulate food businesses to ensure all legislative responsibilities under the *Food Act 2006* and the Food Safety Standards are met. This includes assessment of food business licence applications, monitoring compliance, providing education and advice, and taking enforcement action when needed.



Licensing Requirements

When you need a licence

A mobile food business that conducts any of the following activities requires a food business licence:

- preparing and selling food from a motor vehicle
- ice cream van
- pie van (smoko truck)
- mobile snack truck
- mobile food trailers
- domestic water carriers
- unpackaged food from a vending machine

The type of vehicle you plan to use may limit the types of food you are able to prepare and sell from that vehicle. Therefore, it is important to have a very clear understanding of how you intend to operate your mobile food business before you start so that you can adequately design the food vehicle to ensure safe preparation of food.

When a licence is not needed

Mobile food businesses that sell only the following do not require a licence:

- coffee or tea
- slushies
- pre-packaged food

A [register of mobile food businesses](#), which are approved to operate throughout Queensland, is available on Queensland Health's website.

If you require further information, please contact Council on 1300 763 902.

Permitted locations

1. Markets and Events

The best place for mobile food vehicles to operate is at approved markets and events.

2. Council Land

Generally, additional Council permits are required to operate on Council land unless as part of an already approved event.

3. Private Property

Mobile vehicles that intend to operate on private property or in a particular place on a regular basis may require planning approval from Council's Development Services team. However, please note that operating a mobile food vehicle permanently at a residential premises is unlikely to be supported by Council.

4. Council Controlled Road

Generally mobile food vehicles are not permitted to operate from the roadside in the Cassowary Coast region unless approved under Council's Local Laws. Council's Roadside Vending Guideline provides guidance as to the type of food business that will be considered for approval to operate on Council controlled roads. Link to guidelines:

<https://www.cassowarycoast.qld.gov.au/downloads/file/4365/mobile-roadside-vending-and-stationary-vending-guideline>

Please note that if you intend to operate on State controlled roads, you will need approval from the Department of Transport and Main Roads.

Preparing food at other locations

If you are planning to prepare food at another location to sell from your mobile food vehicle, then the location where the food is to be prepared must be included in a separate food business licence.

For example, if you plan to use your home kitchen to bake cakes to sell from your vehicle, then you will be required to hold a licence for the home kitchen as well as the mobile food vehicle. Please note there are restrictions as to the types of food preparation activities that can be permitted in a home kitchen.

How to Apply

Preparing a food business application

If you are preparing an application for a mobile food business, the following information will assist you to get your application right the first time.

Your application must satisfy the requirements of the *Food Act* and Food Safety Standards. If your application does not satisfy these requirements, assessment of your application may be delayed and in certain circumstances can lead to refusal of your application.

The Application Assessment Process

To apply for a food business licence, you will need to submit the required applications to Council. The following information outlines the application assessment process.

Stage 1 – Suitability of Premises Assessment

When constructing a new food premises you must ensure that the design meets the requirements of the Food Safety Standards.

Food safety begins at the earliest planning stages which is why it is important to get it right from the start.

The Mobile Food Vehicles Construction & Operation Guideline has been prepared to assist you in making decisions on the design of your food premises and the construction material you intend to use. Queensland Health also provide resources such as the [Design and fit out guide](#) to assist in the correct construction and fit out of your premises.

Step1 – Prepare your plans. In order to assess your suitability of premises application, a copy of the following plans (drawn to scale not less than 1:50) must be provided:

- Floor plans detailing the layout including the location of equipment and waste disposal facilities;
- Elevations of each food preparation room/area; and
- Mechanical exhaust ventilation (exhaust systems must comply with AS1668.2 – 2012.
- Specifications of all equipment being serviced by the mechanical exhaust ventilation must be included).

Step 2 - Complete the Application for Suitability of Premises Assessment (Fit-out Assessment) form, Link:

<https://www.cassowarycoast.qld.gov.au/downloads/file/3876/application-for-design-assessment-fit-out-new-or-alteration>

submit it to Council with the required plans and payment of the relevant fee.

Council will assess your design against the Standards and may provide you with advice on

any additional requirements to ensure the fit-out of your premises complies. Council will provide an approval with conditions which must be met prior to finalising the fit-out of your premises and before requesting a final inspection by Council's Environmental Health Officer (EHO).

Step 3 – Fit-out your mobile food vehicle in accordance with your approved plans and any conditions imposed by Council.

Stage 2 – Food Business Licence Assessment

Once you obtain your approval for suitability of premises, if you have not already done so, you must apply for a food business licence a minimum of 30 days prior to your intended commencement of trade date. You may apply for both the suitability of premises and food business licence at the same time, however if you do, you must advise Council no less than 30 days before you intend to open for trade. This will ensure that Council has enough time to assess your food business licence application. It is important to note that you cannot begin to trade until Council has undertaken a final inspection and issued you with a licence.

Step 1 – Complete the Food Business Licence Application, [Link: https://www.cassowarycoast.qld.gov.au/downloads/file/3771/application-for-food-business-licence](https://www.cassowarycoast.qld.gov.au/downloads/file/3771/application-for-food-business-licence) attach the relevant fee and return to council. This application assesses the suitability of the operator and whether they have the required skills and knowledge (including the right training) to safely prepare and sell food to the public.

The applicant for a licence must be a legal entity, i.e. a person or company. A business name or trading name is not a legal entity and cannot be the licence holder.

The applicant should be the person or company intending on operating the food business not the contractor building the food premises.

Step 2 – Assessment of application. Once your food licence application has been submitted to council with the appropriate fee it will be assessed by an EHO, which will include an inspection. A fully completed application can take up to 30 days to assess. Further time may be required if the application does not meet the assessment requirements.

Step 3 – Final inspection. **Once you have completed the fit-out of your mobile food premises and before you start trading**, contact Council to arrange for an EHO to carry out the final inspection of your food premises. The EHO will need to be satisfied that the construction has been completed in accordance with the suitability of premises approval. Otherwise, your licence may not be granted and you will not be able to commence trading.

Step 4 – Approval. At your final inspection, the EHO will advise of any outstanding requirements that need to be attended to prior to opening. Depending on the outcome of the inspection, it may result in:

1. Your application being approved and a Food Business Licence issued;
2. Your application being approved and a Provisional Food Business Licence issued; or
3. Your application being refused. Please note should this occur, you will not be able to

commence operating and you may need to reapply for a licence.

*** A provisional licence can only be issued for a maximum of three (3) months and will only be considered in circumstances where the Environmental Health Officer is satisfied that safe food can be prepared and the outstanding, minor issues can be attended to within the term of the provisional licence. If the outstanding requirements are not met within the term of the provisional licence, it will expire. Continuing to operate beyond this point will then become an offence for which penalties do apply.*

You cannot begin to operate until your food business licence has been issued and any separate approvals have been obtained. A copy of your food business licence will be initially emailed and then the original mailed separately. You will be required to display the licence in a prominent position at the premises so that it is easily visible to persons at the premises

It is important to remember that applying for a food business licence does not eliminate the need to apply for any other relevant approvals, including development approvals that may be required. These approvals should be obtained prior to applying for a food business licence to avoid unnecessary delays.

After the food business licence has been issued, a compliance inspection of the mobile food business will be conducted within 6 months to ensure the business is operating in compliance with the *Food Act 2006* and the Food Safety Standards.

Your food business licence will remain current until the expiry date noted on your licence which is currently 30 September each year, except in the circumstances where a provisional licence is issued. Food Licences must be renewed annually. You will receive a renewal notice each year prior to the expiry of your licence. It is important that you renew your licence and pay the applicable fee by the due date to ensure that you are able to continue lawfully operating.

Food Safety Supervisor Notification

A food safety supervisor is a person who has advanced food safety skills and knowledge and the responsibility to oversee food safety operations within a food business on a day-to-day basis. Every licensed food business must have a food safety supervisor to add a level of onsite protection for food safety. A food business licensee must notify the Council that issues their licence of the name and contact details of their food safety supervisor. Anyone can be a food safety supervisor and there may be more than one food safety supervisor for each food business.

It is recommended that food safety supervisors complete training and obtain a statement of attainment issued. Refer to [Competency codes and titles](#), these are set by the National

Quality Council and may change. If your food safety supervisor has a different competency code or title, contact Council for advice.

A food safety supervisor must:

- know how to recognise, stop and reduce food safety hazards of the business
- be trained with the skills and knowledge of food safety matters that relevant to the business
- have the authority to supervise and give directions about food safety matters to other staff
- be reasonably available to be contacted while the food business is operating by:
 - any food handler at the food business
 - an authorised officer.

Find out more about [Food Safety Supervisors](#)

Food Safety Program Accreditation

If your business requires a [Food Safety Program](#) it should be submitted for Council accreditation at the same time as the food business licence application. You can use the food business licence application form to apply for the Food Safety Program Accreditation. Link: <https://www.cassowarycoast.qld.gov.au/downloads/file/3771/application-for-food-business-licence>

Find out more about [Food Safety Programs](#).

Design and construction requirements

Walls, floors and ceiling

Walls, floors and ceiling of the food preparation and storage areas of the vehicle must comply with the provisions outlined in appendix 3 & 4 of this guide. They must be:

- appropriate to the operations of the business;
- easily and effectively cleaned;
- able to prevent absorption of grease, food particles and water; and
- able to prevent the entry and harbourage of pests.

Floors are to be constructed of materials which are impervious, non-slip and free from cracks, crevices and other defects. The surface must be durable and capable of being effectively cleaned.

Heavy-duty vinyl sheeting and welded (seamless) jointed flooring materials are to be laid over a solid base strictly in accordance with the manufacturer's specifications.

Where floors are intended to be cleaned by flushing or hosing with water, the intersections of walls with floors are to be coved (rounded) to radius of at least 25mm to enable easy cleaning. Vinyl sheeting is to be turned up to form the required 25mm cove and a fillet or backing piece is to be fitted to provide support.

The internal surfaces of walls, ceilings, doors, sliding partitions and those parts of the walls formed by built-in fittings, shall be of stainless steel, colour bonded metal, steel, laminated plastics (formica, laminex or panelyte) or similar approved materials.



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