



# Food Act 2008 - Information Sheet

## Mobile Food Vendor Centralised Register (the Register) – Information for Authorised Officers

Version 1: June 2021

### Purpose

This document provides information to *Food Act 2008* (Food Act) enforcement agencies and authorised officers on the Register.

This information sheet should be read in conjunction with the policy guideline [WA Food Regulation: Temporary and Mobile Food Businesses](#) and the [Management of Temporary and Mobile Food Businesses](#) fact sheet.

### Background

In Western Australia (WA), all food businesses are required to be registered under the Food Act with their enforcement agency before they start to operate. This not only includes fixed premises, but also temporary and mobile food premises, such as a market stall or a food van.

Local governments are deemed an "enforcement agency" as per section 8 of the Food Act and are responsible for administering relevant parts of the Food Act. For example, each local government is required to maintain its own "register" of food businesses under section 115 of the Food Act. Currently, local governments use separate and individual registers to manage administrative and food safety compliance information of food businesses in WA.

The development of the Register was initiated as a result of consultation between the Department of Health's Environmental Health Directorate (EHD), local government and industry, with the aim to assist in the administrative and compliance challenges relating to food businesses operating outside of their registering enforcement agency district, such as those trading at public events.

All food businesses in WA operating at any premises must either:

- Apply for registration with the appropriate enforcement agency; or
- Notify the appropriate enforcement agency of their intention to operate.

Part 9 of the Food Act contains a number of requirements regarding the registration and notification of food businesses that can be translated into some key principles to guide the administration of food legislation within WA.

This information sheet provides guidance on the process of utilising the Register, and explains how it falls in line with the overarching principles of Part 3 and 9 of the Food Act:

- Registration/Notification
- Conditions of Registration
- Term of Approval
- Compliance with the Australia New Zealand Food Standards Code (the Code)

## Scope

This document applies specifically to temporary and mobile food businesses operating within WA, and includes market stalls and caterers - given their transient nature.

The Register allows essential information on temporary and mobile food businesses to be stored in a centralised location, that can be accessed by participating local government enforcement agencies.

The ability to access essential information on such registered and notified food businesses will help achieve compliance with Food Act section 109 – conduct of an unregistered food business and advances the health objectives of the Food Act.

Furthermore, providing participating local governments the opportunity to share the findings of previous assessments may assist in ensuring compliance with the Code (as required by section 22 of the Food Act), and result in the ability for local governments to better concentrate their resources.

## Management of temporary and mobile food businesses using the Register

The following table outlines information that the Register will oversee, including information on how it will be managed.

Mobile Food Vendor Centralised Register	
Access to the Register	<p>The Register will have restricted access to participating local governments and EHD users only.</p> <p><b>Public access will not be permitted</b></p> <p>The Register can be accessed at <a href="http://www.wamobilefoodregister.com">www.wamobilefoodregister.com</a> (website).</p> <p>Each user within a participating local government will be assigned login details by the EHD</p> <p>Any local government within WA can choose to participate in the Register at any time by signing the memorandum of understanding (MOU).</p>
Safeguards in place to ensure the Register's website is secure	<p>The website has SSL certificate, ensuring that all information sent or received by the site is encrypted. Users are required to register for website access with their work email, and choose a medium level password at a minimum.</p> <p>All registered users will be vetted by EHD staff prior to their registration being approved and them being able to access the search function of the site. Only logged in users can access the site with users being automatically logged out after a specified amount of time.</p> <p>EHD will maintain a list of registered users to the site. The test website also successfully passed a vulnerability assessment report being migrated to a production setting.</p>
Management of information sharing	<p>Although the Food Act allows information sharing between local governments, an MOU enables agencies to exchange defined information to the full extent, permitted by relevant legislation.</p> <p>A 'participating local government' is a local government that is a signatory, party to the MOU.</p>

	Participating local governments can view the Register's MOU along with its signatories on the website.
Memorandum of understanding	<p>Government agencies that regularly share information with other agencies commonly enter into MOUs setting out the terms and conditions for the exchange of information.</p> <p>Although local governments currently share information as part of their duties within the Food Act, the MOU is an appropriate way to formalise the information sharing arrangements.</p> <p>Furthermore, to ensure transparency and accountability, MOUs can be publicly available.</p>
Functions of the Register	<p>Users will be able to:</p> <ul style="list-style-type: none"> <li>- Provide timely information updates of the food businesses captured within the Register;</li> <li>- Search the register for specific information*;</li> <li>- Display food business information; and</li> <li>- Change user password.</li> </ul>
Information that will be stored and displayed on the Register (* - search function field)	<p>Information that will be stored and displayed on the Register:</p> <ul style="list-style-type: none"> <li>- *proprietor;</li> <li>- *trading name;</li> <li>- *vehicle registration number (VRN);</li> <li>- *vehicle description;</li> <li>- *local government</li> <li>- *food business contact number;</li> <li>- approved foods to sell;</li> <li>- food business contact details</li> <li>- registration details;</li> <li>- date and details of the food business' last assessment;</li> <li>- date of when the information was last modified;</li> <li>- attached files/uploads relating to the food business.</li> </ul>
Updating information on the Register	A notification email will be sent every three months to remind all participating local governments to review/update the registration information of food businesses registered within their jurisdiction. This frequency can be increased if required.
Food businesses that will be included in the Register	<p>Food business with the following activities registered by a participating local government will be captured:</p> <ul style="list-style-type: none"> <li>- Temporary Food Premises;</li> <li>- Market Stall;</li> <li>- Mobile food Operator; and</li> <li>- Caterer.</li> </ul>

The Register will have restricted access to participating local governments and EHD users only. There will be no public access permitted.

# Uses of the Register – Part 3 & 9 of the Food Act

## Registration/notification

The intent of registration is for food businesses to provide information to their appropriate enforcement agency to enable enforcement agencies to monitor and enforce food regulatory compliance of food businesses within their district.

Food businesses captured by the Register by their very nature, will often operate at several locations across different local government boundaries. As a result, the information provided at the time of Registration/Notification will be verified by other local governments, depending on the trading location of the food business.

Information shared through the Register will enable local governments to verify that temporary and mobile food businesses operating in their district are doing so in accordance with their registration/notification issued by another local government.

## Conditions of registration

A local government may grant registration with or without conditions and must set out any conditions on the registration certificate. The conditions may only relate to issues of compliance with the Food Act.

The Register will assist authorised officers to easily access information to verify that food businesses are adhering to conditions of registration that have been granted by another local government.

## Term of approval (registration status)

All food businesses captured by the Register must be registered (unless exempted) with only one enforcement agency. In accordance with Food Act section 111 a food business' registration remains in force until cancelled.

If an authorised officer from a local government exercises his or her powers under the Food Act to generally make any investigations and inquiries that may be necessary to ascertain whether an offence under the Food Act has been or is being committed (e.g. for failing to be registered under s 109), there is presently no way of checking the registration status of a food business without the authorised officer contacting the local government which registered the food business. This is particularly difficult to verify, given the current term of approval, if this is outside of business hours.

The Register provides easily accessible information to enable authorised officers to verify that temporary and mobile food businesses wishing to operate in their district are currently registered, and therefore compliant with section 109 of the Food Act.

## Last assessment (compliance with the Code and associated legislation)

An assessment of a food business is undertaken in order to assess and monitor compliance with the requirements of the Code, and identify any corrective action that should be taken to minimise risk to public health and safety.

Often food businesses captured by the Register will operate across different local government administrative boundaries in a short period of time. As a result, re-assessment of outstanding compliance matters (if noted) under current guidance will only be brought to the attention of the registering local government. Furthermore, compliance checks, assessments may be completed by different local governments.

Therefore, there is limited opportunity for local governments to be made aware, and as a consequence, have the opportunity to take steps to ensure compliance – this is also dependent upon the trading location at the time.

The Register will enable participating local governments to share their assessment findings, allowing other local governments to assess their compliance history as part of permit applications and/or follow-up assessments, to ensure compliance with the Code and associated legislation.

## Frequently asked questions

### When does information need to be updated, and how?

*Information relating to food businesses captured by the Register will be updated/verified (in consultation with the registering local government) as being correct at least every 3 months – this includes information such as the food business trading name, proprietor. More frequent activity associated with a particular food business, such as assessments, and changes to its registration status, will be updated as soon as practicable.*

*All communications, where possible, associated with any update to the Register will be via email.*

### If the principal activity of a registered food businesses is a restaurant, but also has a market stall on weekends, do I include this food business in the Register?

*Yes, although the 'principal activity' of the food business is not captured by the Register, it is common for food businesses to diversify their activity. If the other activity is for example operating a market stall on a weekend where the sale of food takes place, this will be captured.*

### Food businesses, based on their activity type, captured by the Register that have had their registration cancelled or move to another local government, will this information be available in the Register?

*Yes, the status of a food business' registration will be made available and not deleted from the Register, as this information assists officers to determine compliance with section 109 of the Food Act. Similarly, food businesses that move to another local government and are not necessarily cancelled in accordance with section 112 of the Food Act will also be available. Such information will only be available from participating local governments, or those that were once participating.*

### Who is responsible for updating the last assessment date and findings?

*The local government that conducts an assessment of a food business captured by the Register, who is also a 'participating local government', is responsible for updating the Register. The outcome of the assessment and the local government who conducted the assessment will be identified, as this is not always the 'registering local government'.*

*The assessing local government may also wish to forward the same information to the registering local government as per current guidance.*

## More information

Contact your [local government](#) for further information  
or  
Contact System Performance

Email: [AdminFoodVendor@health.wa.gov.au](mailto:AdminFoodVendor@health.wa.gov.au)

Phone: (08) 9222 2000

Website: <http://www.health.wa.gov.au>

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