

APPLICATION FOR A LICENCE FOR FOOD BUSINESS – SEAFOOD (EXCLUDING SHELLFISH CULTIVATION OR HARVEST)

Food Regulation 2015

Licensing unit office hours: 9.00am – 5.00pm Monday – Friday Phone: 02 6552 3000 or 1300 552 406 Fax: 02 6552 7239
NSW Food Authority **ABN 47 080 404 416** PO Box 232 TAREE NSW 2430

Certain food businesses are required to hold a NSW Food Authority licence to operate. Businesses that operate without the appropriate licence from the NSW Food Authority are committing an offence under the *Food Act 2003* and may be prosecuted.

Did you know ... if you are applying to licence a business and do not hold a current NSW Food Authority licence, you can now lodge your application online by going to the online application form link at www.foodauthority.nsw.gov.au (Please note: conditions apply for use of online applications).

Seafood businesses that need to be licensed

Under the Food Regulation 2015, food businesses must have a NSW Food Authority licence if they distribute, handle, process or store seafood as defined under Clause 133 of the Seafood Safety Scheme (Part 11 of the Regulation) and defined as a “seafood business” under Clause 134 and perform the following activities:

- the handling of fin fish, crustacean or cephalopod after it is taken or caught, whether the handling occurs on board a vessel or otherwise.
- the processing of seafood, including (but not limited to) skinning, gill and gutting, filleting, shucking, cooking, smoking, preserving and canning
- the packaging of seafood
- the storage of seafood
- the transportation of seafood except the transportation of seafood from retail premises to the consumer or in a vehicle from which the seafood will be sold by retail. If licensing is required for a vehicle to transport seafood please complete application form *Application for food transport business for dairy/meat/plant products/seafood*
- the wholesaling of seafood

For the purposes of this Regulation a seafood business does not include:

- the act of taking or catching fin fish, crustacean or cephalopod
- the handling of live lobsters, crayfish, abalone, crabs or sea urchins
- the retail sale of seafood

Licensing under this Regulation is used to ensure that a business has the capacity to produce safe food before the food is supplied to the market. A licence is not transferable from one person or business to another.

What do I need to comply with?

Any businesses that hold a licence must comply with the following:

- Food Regulation 2015 (NSW)
- Food Act 2003 (NSW)
- Food Standards Code
- Development and implementation of an adequate food safety program under the Food Regulation 2015 based on Standard 3.2.1 of the Food Standards Code or Codex HACCP. The program must accurately outline the hazards associated with the food business' operations. Assistance material is available from the NSW Food Authority's web site at www.foodauthority.nsw.gov.au

What do I need to do next?

- Complete the licence application form and return it with payment to: NSW Food Authority, PO Box 232, Taree NSW 2430.
- You must not commence operations until the above steps have been completed and you are informed that your licence application has been processed. If the premises are found to be operating without a licence, enforcement action will be taken.
- Prior to the approval of a licence, a licensing assessment will be carried out to ensure compliance with the Food Standards Code and Food Regulation 2015. If the result of the assessment is unacceptable, the licence may not be approved and the licence application may be rejected. It is highly recommended the applicant refer to the Authority's website for information relating to the assessment process and industry sector requirements.

Processing times

The Authority will review your application **within 10 working days** of receiving your licence application and you will be notified if any further information is required. If your application is complete the Authority will write to you to let you know your licence application has been processed and provide you with a time frame for completion of the licensing assessment that is required.

IMPORTANT NOTES

- If you have more than one premises, copy page 6 or page 8 and complete for each premises. If the application forms are submitted at the same time only one application fee will be required.
- Please ensure that each page of the application is completed (where applicable) and checked before it is returned, as failure to provide all information or signature(s) will result in delays in processing and issuing of the licence.
- For more information or assistance please contact the NSW Food Authority's Licensing Unit on 02 6552 3000 or go to the NSW Food Authority website at <http://www.foodauthority.nsw.gov.au/industry/food-standards-and-requirements/licensing>

APPLICANT DETAILS

- Complete Section A(i) for sole trader/ partnership details
- Complete Section A(ii) for company/ trust/ association details

SECTION A (i): SOLE TRADER/ PARTNERSHIP BUSINESS STRUCTURE (please tick appropriate box)

Sole Trader

Partnership

FAMILY NAME		FIRST NAME	
FAMILY NAME		FIRST NAME	
FAMILY NAME		FIRST NAME	
FAMILY NAME		FIRST NAME	

TRADING NAME (if applicable): If operating under a trading name, please provide copy of Business Name Certificate issued either by Fair Trading NSW (if before 28/5/2012) or ASIC (if registered after 28/5/2012)



ABN			
POSTAL ADDRESS			
SUBURB/ TOWN	STATE	POSTCODE	
PHONE ()	FAX ()		
MOBILE	EMAIL		

AUTHORISED CONTACT DETAILS (if different to information provided above eg Manager, QA, Admin, etc)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Dr	<input type="checkbox"/> Professor	<input type="checkbox"/> Other	
NAME						
POSITION						
PHONE				FAX		
MOBILE				EMAIL		

DO YOU HAVE AN EXISTING NSW FOOD AUTHORITY LICENCE?

<input type="checkbox"/> NO	<input type="checkbox"/> YES – please give details (eg Licence number or customer no.)	
-----------------------------	--	--

SECTION A (ii): COMPANY/ TRUST/ ASSOCIATION BUSINESS STRUCTURE (please tick appropriate box)

Company
 Trust
 Association
 Other

COMPANY NAME (if applicable) If a company, please provide a copy of full ASIC Company Statement (showing names of public officers/ directors)



ACN

CONSENT TO CONDUCT COMPANY SEARCH ON BEHALF OF APPLICANT/S

If it is not possible for supporting documents to be provided during the application process, an applicant may give consent to the NSW Food Authority, to conduct a company search on their behalf.

Failure to supply supporting documents may result in delays in processing applications and issuing of the licence.

I/We, the applicant/s conducting the food business for which this form is being submitted, give consent for a NSW Food Authority representative to conduct a company search on our behalf.

I/We agree to pay the fees applicable to this service, as per the fee schedule enclosed in this application.

TRUST NAME (if applicable): If a trust, please provide name(s) of nominated person(s) to receive correspondence

ASSOCIATION NAME (if applicable): If an association, please provide a copy of the Certificate of Incorporation.



ABN

TRADING NAME (if applicable): If operating under a trading name, please provide copy of Business Name Certificate issued either by Fair Trading NSW (if before 28/5/2012) or ASIC (if registered after 28/5/2012)



POSTAL ADDRESS

SUBURB/ TOWN

STATE

POSTCODE

PHONE

()

FAX

()

MOBILE

EMAIL

AUTHORISED CONTACT DETAILS

Mr
 Mrs
 Miss
 Dr
 Professor
 Other

NAME

POSITION

PHONE

FAX

MOBILE

EMAIL

DO YOU HAVE AN EXISTING NSW FOOD AUTHORITY LICENCE?

NO
 YES – please give details (eg Licence number or customer no.)

Is the business under this application being taken over from an existing licence holder?

NO – Please proceed to communication section below.

YES – If possible, please arrange for the previous owner to complete the 'Consent of Present Licensee' section below:

CONSENT OF PRESENT LICENSEE(S) (if applicable)

- I/we hereby certify that I am authorised to submit this form on behalf of this business.
- If a company, show capacity of person signing

I/We, the current licensee(s), will/will not continue to conduct a food business using the premises and agree/do not agree to the cancellation of the licence for the premises. My/Our licence number is _____

SIGNATURE(S)

X

DATE

/ /

COMMUNICATION

Do you wish to receive the NSW Food Authority 'Foodwise' newsletter for licensees?

NO – I do not wish to receive the 'Foodwise' newsletter

YES – Please send to the email address indicated above

YES – Please send to the postal address indicated above

BUSINESS ACTIVITY DETAILS

Is the business relocating from an existing site?

NO – Please proceed to business activity and location section below.

YES – Please confirm existing site address and then proceed to business activity details and location sections below:

LOCATION OF EXISTING SITE

FOOD PROCESSING/STORAGE ACTIVITY DETAILS (please tick appropriate box/es)

Seafood Processing – premises where in the course of a business:

- Gill & gut, fillet or clean seafood
- Packaging
- Freezing
- Opening oysters
- Smoking
- Preserving/ drying
- Canning
- Bottling
- Manufacturing sushi
- Processing caviar
- Processing other ready-to-eat (RTE) products
- Shellfish wet storage

Seafood Storing

Storage of other foods as well as Seafood as defined under Food Regulation 2015, as below (please tick):

- Milk or dairy products as defined under Clause 39
- Meat or meat products as defined under Clause 58
- Plants products as defined under Clause 102
- Eggs as defined under Clause 149 and egg products as defined under Clause 152

EXPORT APPROVED FACILITY FOR SEAFOOD PRODUCTS?

- YES – EXPORT APPROVED PROCESSING FACTORY EXPORT REG EST NO: _____
- YES – EXPORT APPROVED PRODUCE STORE EXPORT REG EST NO: _____
- NO

Nominated commencement of trading date:

NUMBER OF FULL TIME EQUIVALENT (FTE) FOOD HANDLERS: **Note:** The number of full time equivalent (FTE) food handlers employed in your seafood production/ processing/ storage operation as determined by the calculation on page 8 of this form excluding office staff, delivery drivers, etc. The Food Regulation 2015 prescribes the appropriate licence fee (based on the number of people working in the premises) and application fee to be applied to all licences.

FOOD PROCESSING/ STORAGE LOCATION DETAILS

Is the site address same as for postal address provided previously?

NO – Please complete location section below.



YES – Please proceed to fee schedule and payment section

PREMISES ADDRESS
(where business will be operating from):

Please note: If seafood processed from the facility above is being produced for wholesale (ie being sold to other food businesses, eg restaurants, clubs etc) then it must be licensed and fee will also be payable.

SEAFOOD HANDLING AND COLLECTION INFORMATION

FISHING BUSINESS DETAILS

NSW Commercial Fishing Licence No. or Australian Fisheries Management Permit No.	
NSW Fishing Business (FB) No. from NSW Fisheries that you operate under	

VESSEL/ BEACH HAULING DETAILS

NOTE: The following vessels are not required to be included on your NSW Food Authority licence:

- Tow launch – Solely for towing
- Fishing dinghy – Setting and retrieving fishing gear

1. Do you operate a vessel or carry out beach hauling?	<input type="checkbox"/> No – please continue and complete Question 3 <input type="checkbox"/> Yes - please complete details below
LFB number:	
Vessel name:	
Home port:	
Port of operation:	
Beach/Estuary details (if beach hauling):	
2. Please tick and specify what wild seafood you handle: <input type="checkbox"/> Finfish <input type="checkbox"/> Crustacea (eg crabs, prawns etc). Please specify: _____ <input type="checkbox"/> Cephalopods (eg octopus and squid) <input type="checkbox"/> Other – Please specify: _____	

WILD SHELLFISH COLLECTION DETAILS

If you collect wild shellfish as part of your fishing activities please complete the following section.

3. Do you collect wild shellfish? <input type="checkbox"/> No – Continue to Question 4 <input type="checkbox"/> Yes – Please provide copy of your NSW Fisheries Endorsement with this application Species collected and handled: <input type="checkbox"/> Cockles <input type="checkbox"/> Pipis <input type="checkbox"/> Clams <input type="checkbox"/> Other – Please specify: _____	
Beach/Estuary details where wild shellfish collection will occur	
Are you a member of a bio-toxin management plan? Note: It is a requirement that if you are collecting wild shellfish you must be a member of a bio-toxin management program.	<input type="checkbox"/> YES – Please advise details of the bio-toxin management plan: _____ _____ <input type="checkbox"/> NO – If no, why: _____ _____ _____
Do you intend to collect wild shellfish within an existing local shellfish program area?	<input type="checkbox"/> YES – Please advise program name: _____ _____ <input type="checkbox"/> NO

WILD SHELLFISH FOOD PROCESSING/STORAGE PREMISES DETAILS (please tick appropriate box/es)

4. Do you process or store wild seafood that has been captured or collected by the applicant?

- No – Continue to payment section
- Yes – Please specify below:
 - Gill & gut, fillet or clean seafood
 - Cook seafood
 - Freeze seafood
 - Shuck abalone
 - Store seafood
 - Shellfish wet storage

If wild shellfish is processed, please specify where:

- On board vessel
- Fixed premises – If stored/processed at a fixed premises please indicate if wild shellfish is:
 - processed for delivery to nearest co-op/food cold store
 - processed and wholesaled to other food businesses (eg restaurants, clubs etc)

WILD SHELLFISH PROCESSING/ STORAGE LOCATION DETAILS

Is the site address same as for postal address provided previously?

NO – Please complete location section below.

YES – Please proceed to fee schedule and payment section

<p>PREMISES ADDRESS (where business will be operating from):</p>	
--	--

PAYMENT INFORMATION

The Food Regulation 2015 prescribes the appropriate licence fee (based on the number of full time equivalent (FTE) food handlers conduction food handling activities at the premises) and application fee to be applied to all licences.

Note: The number of FTE food handlers employed in your seafood processing/storage operation as determined by the calculation below excluding office staff, delivery drivers etc.

CALCULATING LICENCE FEES

The licence fee applied to your business is calculated based on the number of full time equivalent (FTE) food handlers involved in food handling. The number of FTE food handlers is used as it also accommodates businesses who use part time food handlers in their operations. For the purposes of this calculation, a FTE working week is 38 hours.

To calculate the number of FTE food handlers your business has, add up all the hours that the food handlers are undertaking food handling activities during a working week and divide by 38 hours (average working week). For example, if a facility had 4 food handlers to handle food for 25 hours per week, this would equate to approximately 3 FTE food handlers.

Figure 1: Example calculation of FTE food handlers

$$\frac{4 \text{ food handlers} \times 25 \text{ hours per week}}{38 \text{ hours}} = 2.6 \text{ FTE food handlers (round up to 3 FTE food handlers)}$$

The fee to accompany this application form is the total of both the application fee and licence fee, as follows:

APPLICATION FEE	\$50.00	\$50.00
HANDLING OF WILD CAUGHT SEAFOOD	Licence fee \$337.00	\$
LICENCE FEE FOR PROCESSORS AND STORES PER PREMISES	Processors & stores with 0 to 5 food handlers Fee \$463.00 x _____ No. of premises	\$
	Processors & stores with 6 to 50 food handlers Fee \$956.00 x _____ No. of premises	\$
	Processors & stores with 51 or more food handlers Fee \$4,197.00 x _____ No. of premises	\$
	SUBTOTAL (Application Fee + Licence Fee)	\$
Additional chargeable items	Company search administration fee (\$50.00)	\$
	TOTAL FEE PAYABLE	\$

DECLARATION

SIGNATURE(S) OF ALL APPLICANT(S) – Please sign below with name clearly printed underneath		
<ul style="list-style-type: none"> I/we hereby certify that all information provided on this form is true and correct. I/we hereby certify that I am authorised to submit this form on behalf of this business. 		
SIGNATURE(S)	X	
PRINT NAME(S)		DATE / /
POSITION WITHIN ORGANISATION		

For applications on an existing licence, please submit form with application fee \$50.00 only. An invoice for the licence fee will then be returned to you for payment.

Please note:

- The fee to accompany this application form is the total of both the application fee and licence fee indicated above.
- For applications on an existing licence, please submit form with application fee \$50.00 only. An invoice for the licence fee will then be returned to you for payment.
- For applications where an ASIC company statement is required and has not been supplied, the company search administration fee is also to accompany the application.
- For applications for premises where both storage and processing of product is done, then only one licence fee is applicable.

