

Licensing Policy

This policy describes the approach adopted by Dairy Food Safety Victoria (DFSV) relating to licensing dairy businesses. The policy applies to all individuals, businesses and companies in the dairy industry in Victoria that are required to be licensed under the *Dairy Act 2000* (the Act).

Licence types

DFSV issues the following types of dairy licence:

- a) Dairy farmer
- b) Dairy food carrier
- c) Dairy manufacturer
- d) Dairy distributor
- e) Dairy industry licence

These licence types relate to farming of cows, goats, sheep and buffalo and the transport, processing and distribution of the dairy products from those species.

- Farmer, food carrier, manufacturer and distributor licences will be issued to businesses in line with the definition in the Act.
- All dairy farmers that produce milk for profit or sale are required by the Act to have a licence including those that produce milk for purposes other than human consumption.
- A manufacturer who receives raw milk directly from a farm but does not produce food for human consumption is required by the Act to have a licence.
- A dairy business is required to hold a licence for each individual premises from which it operates. Premises, as determined by DFSV, can include co-located or adjacent premises within reasonable proximity for risks to be managed.
- A single dairy industry licence will be issued where multiple activities occur at the one premises.
- Where two separate businesses operate from the same premises, each business is required to hold a dairy industry licence.

Exemptions

Under s. 22A of the Act the Authority may exempt a person in writing from the requirement to hold a dairy industry licence, provided the grounds described in that section have been met.

Exemptions must be applied for in writing and be accompanied by evidence that the business is licenced under one of the other Acts listed in s. 22A.

In considering an application for an exemption for an individual food business DFSV will consider:

- the risk categorisation of the dairy food being processed/handled at the premises
- the types/mix of food processed/handled by the business
- the proportion of the food processed/handled by the business that is dairy food
- if the business is already licensed with DFSV, the compliance history of the business.

DFSV will not approve exemptions for any dairy businesses that receive raw milk for processing for human consumption.

DFSV will approve exemptions for classes of dairy businesses to support the objectives of the Memorandum of Understanding between DFSV and Department of Health and Human Services, Department of Economic Development, Jobs, Transport and Resources, Municipal Association of Victoria and PrimeSafe.

Administrative processes

DFSV will maintain a licensing system that will facilitate the process for applying for a licence, transferring ownership to another person or business, renewing and cancelling a licence.

New licences

An application for a new licence is required if a person will be operating a dairy business at a premise where there is not a current DFSV licence.

Before a new dairy industry licence is granted, DFSV will examine the applicant's food safety program and inspect the premises and vehicles intended to be used in the dairy business to ensure that the business, food safety program, premises, and any vehicles are compliant with all regulatory requirements applicable for the business type.

Upon approval, a licence certificate will be issued.

Renewal of licences

The following describes the licence period for all licence types.

Licence category	Renewal frequency	Renewal date
Dairy farmer	Biennially	1 July
Dairy food carrier	Annually	1 January
Dairy manufacturer	Annually	1 January
Dairy distributor	Annually	1 January
Dairy industry licence	Annually	1 January

A licence renewal application must be completed, and all associated and outstanding fees owing to DFSV paid prior to the expiration of a licence period for a licence to be renewed, except where fees are paid by a manufacturer on behalf of a farmer. A new licence certificate will be issued for each new licence period.

Where a licensee fails to complete a renewal application or to pay fees owing, the licence will lapse and DFSV will advise the licensee in writing.

Where a licensee has not operated the dairy business during the 12 months prior to the licence expiring, the licence may not be eligible for renewal unless the licensee advises DFSV in writing of their intention to recommence production in the next licence period.

Where a licensee has not complied with all licence conditions during a licence period, the licence may not be eligible for renewal or DFSV may consider alternative licence conditions or licence period.

Farms

For farms where fees are paid by a manufacturer on behalf of a farmer, renewal will be automatic where DFSV has a record of milk being provided to the manufacturer at any point in the six months prior to the renewal date.

Where there is no record of supply within the six-month period prior to expiry of the licence the licence will not be renewed unless the licensee advises DFSV of their intention to recommence milking within the first six months of the next licence period.

Transfer of licences

Where ownership of a dairy business changes hands a licence transfer is required, regulatory requirements at the licenced dairy business remain with the licence transfer or until the transfer has been approved.

For manufacturers, carriers and distributors, where the type of food produced, processes used or key personnel have changed, a review of the food safety program and a premises inspection will be carried out prior the transfer being approved. The transfer will only be granted where the food safety program and premises (or vehicles) have been determined by DFSV to be compliant with the relevant regulatory requirements.

For dairy farms, approval of the transfer will be made on the attestation of the manufacturer the farm supplies that an approved food safety program is in place and the new owners are deemed competent to milk. In the absence of the attestation, the transfer process will include a review of the food safety program and an inspection will be carried out.

An application for a transfer must be authorised by both the transferee and the transferor. Where a transferor is unable to complete the transfer application, then a statutory declaration submitted by the transferee may be accepted.

Cancellation of licences

A licensee must advise DFSV of either their intention to cease operation or advise that operation has ceased within four weeks of ceasing operation.

Where a licensee has ceased operation, the licence will be cancelled immediately DFSV receives a cancellation in writing on the required cancellation form or on the date operation is to cease as advised on the form.

Where DFSV becomes aware a licensee has ceased operation, but failed to advise DFSV, evidence will be sought that the business has ceased. On receipt of evidence the business will be notified that cancellation of the licence will be effective 28 days after written notification has been served on the licensee.

Licence conditions

Under s. 26(3) of the Act, DFSV may insert a new condition or amend, vary or delete any condition or other matter specified in a dairy industry licence. DFSV must advise the licensee in writing of any such insertion, amendment, variation or deletion.

Licence conditions may apply to all licensees, licensees of a particular licence type or class of licence or may be specific to an individual licensee.

Generic licence conditions are reviewed prior to a renewal period and amendments are approved by the CEO. Licensees will be advised in writing of changes to licence conditions.

Licensee information

DFSV will publish a database of licensee information (except for farm licence information) on the DFSV website. DFSV advises all licensees of the information that is to be made publicly available through the database and the purpose for which the information is publicised. The published database will comply with all legislation including privacy laws.