

Policy OP 1: Licensing

1. Purpose

To describe the approach adopted by Dairy Food Safety Victoria (DFSV) relating to licensing dairy businesses in Victoria.

2. Scope

This policy applies to all individuals, businesses and companies in the state of Victoria undertaking activities that are required to be licensed under the *Dairy Act 2000* (the Act).

3. Policy

3.1. DFSV Licence Types

DFSV issues dairy industry licences, in accordance with the Act, and as a result has adopted the following categories of licences:

Licence Type	Act Definition
Dairy farmer	the owner of a business that operates a dairy farm
Dairy food carrier	the owner of any business engaged in the transport of dairy food in a bulk container
Dairy manufacturer	the owner of a business that operates a dairy manufacturing premises
Dairy distributor	the owner of a business that operates a dairy distribution premises; or who purchases dairy food for the purposes of distribution and sale

- Each of these licence types relate to activities defined by the Act and the transport, processing and distribution of the dairy products from milking animal species.
- A single Integrated Dairy Licence (IDL) will be issued where multiple activities occur at the one premises by a single licensee operating an integrated system.
- 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, may include co-located or geographically adjacent premises within reasonable proximity for risks to be managed.
- Where two separate businesses operate from the same premises, each business is required to hold a dairy industry licence.

3.2. 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. These include:

- Exemptions must be applied for in writing and be accompanied by appropriate evidence as required.
- 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 categories 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

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- DFSV will not grant 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 Jobs, Precincts & Regions, Municipal Association of Victoria and PrimeSafe.

3.3. Administrative Processes

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

3.4. New Licence

An application for a new licence is required if a person will be operating a dairy business at a premises where there is no current DFSV licence. A new licence application will also be required in instances where there is a change of legal entity (e.g. new ownership of an existing licensed business). Exceptions to this requirement may be made for farming licences - refer section 3.3.3 below.

The applicant must be a licensable legal entity (e.g. natural person in law, registered partnership, trust or company) and the application must be submitted along with the prerequisite payment of fees as per the current schedule and a food safety program where applicable. If any of these components are absent, the application may be refused, and the applicant forfeit any application fee paid. [DFSV has appropriate supporting information for applicants on the particular information required and the form in which this information is to be submitted]

- DFSV will undertake an assessment of the application to ensure that it meets the relevant standards and is compliant with regulatory requirements applicable for the business type. This may also include an onsite visit to verify the information provided in the application.
- If this assessment identifies the need for further information or review by the applicant, this will be requested by DFSV in writing after which the applicant has 14 days to respond.
- If no response is received after 14 days, the application may be refused and the applicant forfeit any application fee paid.
- Once DFSV is satisfied that all requirements have been met, a licence will be granted by the authority. This process may take up to 30 days for farm and carrier licences, 60 days for distributor licences and 90 days for manufacturing and integrated licences.

If an applicant advises of their intent to export (dairy) food, DFSV will refer the applicant to the Commonwealth Department of Agriculture, Fisheries and Forestry (DAFF)'s Certification Integrity Unit (CIU) for registration under the Export Control Act 2020.

3.5. 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
Integrated licences:		
Dairy Manufacturer with Farm and/or Carrier and/or Distributor	Annually	1 January
Dairy Farm with Carrier and/or Distributor	Biennially	1 July
Dairy Food Carrier and Distributor	Annually	1 January

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Manufacturer, Distributor and Carrier Licences

- A licence renewal application will be emailed to the licensee and must be completed in order to continue trading as a dairy business. The associated annual licence fee must be paid prior to a licence being renewed. A new licence certificate will be issued for each new licence period.
- Where a licensee fails to complete a renewal application and/or pay the licence fee owing by the date shown on the current dairy licence certificate, the licence will expire DFSV will advise the licensee in writing. Where a dairy business wishes to continue a licensable activity and is subject to expiry a new application will need to be submitted.
- 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.

Farms

- For MVR (Milk Volume Reporting) 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. For Non-MVR farms, a licence renewal application is issued for declaration of volume produced and the licence certificate issued when the licence fee is paid.
- 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.

3.6. Transfer of licences

Farms

Where ownership of a dairy farm business changes hands a licence transfer is permitted. Regulatory requirements at the licenced dairy business remain with the current licence holder until the transfer has been approved.

- 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, the dairy is in a satisfactory condition and the new owners are deemed competent to milk.
- 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 suitably completed statutory declaration submitted by the transferee will be accepted.

Manufacturers, Distributors and Carriers

- For manufacturers, distributors and carriers, upon sale of a business or change in legal entity, any existing dairy licence must be cancelled and the new responsible legal entity must apply for a dairy licence at the premises.

3.7. Cancellation of licences

Cancellations of dairy licences may occur voluntarily by an existing licence holder or as per S. 26 of the Dairy Act 2000.

- If a licensee wishes to voluntarily cancel their licence, they must advise DFSV, in writing, of their intention to cease operation, or advise that operation has ceased.
- DFSV will commence cancellation of a licence on receipt of the notification in writing or on the date operation is to cease as advised
- Where DFSV becomes aware a licensee has ceased operation, but failed to advise DFSV, evidence will be sought that the business has ceased operating. 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.
- When a dairy licence is cancelled at an export-registered site, DFSV will notify DAFF's CIU in writing.

3.8. Licence Conditions

Specific licence conditions apply to all licence types. Under s. 26(3) of the Act DFSV may insert a new condition, 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.

3.9. Publication of 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.

4. Responsible Officer

General Manager, Compliance, Enforcement and Technical Services

5. Related Documents

Procedure OP 01-1: Licensing Dairy Businesses