

# Victorian Food Safety Compliance Requirements

For Class 1 Childcare Centres under the Food Act 1984 (Vic)

This reference document outlines food safety compliance obligations for Victorian Class 1 childcare centres under the Food Act 1984 (Vic), Australia New Zealand Food Standards Code, Education and Care Services National Law 2010, and the National Quality Framework. All requirements current as at January 2026.

<b>Regulatory Framework</b>	Food Act 1984 (Vic) + FSANZ Standards 3.2.1 / 3.2.2 / 1.2.3
<b>Applies To</b>	Class 1 Food Premises — Childcare Centres, OSHC, Kindergartens
<b>Jurisdiction</b>	Victoria, Australia
<b>Effective</b>	January 2026 — verify currency before relying on this document

## TABLE OF CONTENTS

1	Regulatory Framework Overview	3
2	Class 1 Food Premises Classification	3
3	Food Safety Program (HACCP) Requirements	4
4	Food Safety Supervisor Requirements	4
5	Delivery, Temperature Control & Cold Chain	5
6	Allergen Management	5
7	Record Keeping Obligations	6
8	Annual Food Safety Audit	6
9	Penalties & Enforcement	7
10	Compliance Checklist	7
11	References & Citations	8

## EXECUTIVE SUMMARY

Victorian childcare centres that prepare, handle, or serve food to children are classified as Class 1 food businesses under the *Food Act 1984 (Vic)* — the highest-risk category, reflecting the vulnerability of children as consumers of food.

Compliance obligations span the *Food Act 1984 (Vic)*, FSANZ standards, the *Education and Care Services National Law Act 2010 (Vic)*, the National Regulations 2011, and the National Quality Standard. Failure to comply may result in regulatory notices, fines, cancellation of registration, or criminal prosecution.

**Five Core Obligations for Class 1 Childcare Centres**

1. Implement and maintain a **documented Food Safety Program** based on HACCP
2. Employ a **current Food Safety Supervisor** with a recognised accredited certificate
3. Maintain **complete temperature and delivery records** for all high-risk food
4. Conduct annual compliance via an **approved food safety auditor**
5. Manage **allergen controls** per FSANZ Standard 1.2.3

*Note: "VECRA" as used in some Victorian childcare compliance contexts refers collectively to this regulatory framework — primarily the Food Act 1984 (Vic) and associated FSANZ standards — not a single standalone instrument. This document uses full legislative references throughout.*

# 1. REGULATORY FRAMEWORK OVERVIEW

Instrument	Administered by	Key obligation for childcare
<b>Food Act 1984 (Vic)</b>	Dept of Health Vic / Local councils	Class 1 registration, FSP, audits, FSS requirement
<b>FSANZ Standard 3.2.1 Food Safety Programs</b>	Food Standards Australia NZ	Mandatory HACCP-based FSP for Class 1 premises
<b>FSANZ Standard 3.2.2 Food Safety Practices</b>	Food Standards Australia NZ	Temperature control, safe handling, hygiene, storage
<b>FSANZ Standard 1.2.3 Allergen Labelling</b>	Food Standards Australia NZ	Priority allergen declaration on all food supplied
<b>Education and Care Services National Law Act 2010 (Vic)</b>	ACECQA / Vic Dept of Education	Service approval, NQF obligations, Quality Area 2
<b>Education and Care Services National Regulations 2011</b>	State/Territory regulators	Regs 77–80: food, beverages, nutrition, safe handling
<b>National Quality Standard Quality Area 2</b>	ACECQA	Standard 2.1: children protected; nutritious food; safe practices

## 2. CLASS 1 FOOD PREMISES CLASSIFICATION

Class 1 is the highest-risk category under the *Food Act 1984 (Vic)*, covering premises preparing food for **vulnerable populations** including children in care.

- Premises preparing and serving food to people vulnerable due to age, illness, or compromised immunity
- Childcare centres, long day care, family day care, OSHC, and kindergartens serving food
- Hospitals, nursing homes, and other healthcare facilities

### Registration requirement

All Class 1 premises must be registered with their local council under s.38 of the *Food Act 1984 (Vic)* before operating. Registration is renewed annually. The certificate of registration must be displayed at the premises.

### 3. FOOD SAFETY PROGRAM (HACCP) REQUIREMENTS

FSANZ Standard 3.2.1 mandates a documented Food Safety Program (FSP) based on HACCP. The program must be in writing and available on-site for inspection at all times.

#### Mandatory elements of a compliant Food Safety Program:

- **Systematic hazard identification:** Identify all biological, chemical, and physical hazards in food handling activities
- **Critical Control Points (CCPs):** Points in the process where identified hazards can be controlled or eliminated
- **Critical limits:** Maximum and minimum values (e.g. temperature limits) for each CCP
- **Monitoring procedures:** Frequency, method, and responsible person for measuring each CCP
- **Corrective action procedures:** Actions when a CCP is not under control, including product disposition
- **Verification activities:** Confirming the food safety program is working effectively
- **Record keeping system:** Records demonstrating the FSP is operating correctly and safely

■ **IMPORTANT: A HACCP-based food safety program is NOT optional for Class 1 childcare centres. Operating without a current, documented FSP is an offence under the Food Act 1984 (Vic) and FSANZ Standard 3.2.1. Review at least annually or after any significant change.**

### 4. FOOD SAFETY SUPERVISOR REQUIREMENTS

Section 19C of the *Food Act 1984* (Vic) requires every Class 1 food business to employ at least one **Food Safety Supervisor (FSS)** with a current accredited certificate from an approved Registered Training Organisation (RTO).

Requirement	Detail
<b>Accreditation</b>	Certificate from approved RTO covering the relevant food safety units of competency
<b>Certificate validity</b>	5 years from date of issue. Must be renewed before expiry.
<b>Accessibility</b>	FSS must be reasonably contactable while food is being handled at the premises
<b>Display</b>	A notice identifying the FSS must be displayed at the premises
<b>Certificate storage</b>	Original or certified copy available for inspection by authorised officer at all times

## 5. DELIVERY, TEMPERATURE CONTROL & COLD CHAIN

FSANZ Standard 3.2.2 prescribes temperature requirements for handling potentially hazardous food. These apply at point of receipt and throughout storage.

Food type	Requirement	Standard ref.
<b>Cold potentially hazardous food</b>	Must be kept at or below 5°C	Std 3.2.2, cl.6
<b>Hot potentially hazardous food</b>	Must be kept at or above 60°C	Std 3.2.2, cl.6
<b>Temperature danger zone (5–60°C)</b>	Must not remain in danger zone for cumulative total exceeding 4 hours	Std 3.2.2, cl.6(2)
<b>Frozen food</b>	Must remain frozen unless specifically required to be thawed	Std 3.2.2, cl.6
<b>Defrosting food</b>	Must be thawed in refrigerator ( $\leq 5^{\circ}\text{C}$ ), microwave, or as part of cooking	Std 3.2.2, cl.7

### Mandatory delivery record fields:

- Date and time of delivery
- Supplier name and contact details
- Invoice or delivery docket reference number
- Temperature at time of receipt
- Name of staff member accepting delivery
- Compliance status and any corrective action taken

## 6. ALLERGEN MANAGEMENT

FSANZ Standard 1.2.3 requires declaration of priority allergens on food labels. For childcare centres, allergen management extends to active purchasing controls and menu management to protect children with known allergies.

Allergen	Common sources	Declaration required
<b>Peanuts</b>	Peanut butter, satay, some oils and sauces	Yes
<b>Tree nuts</b>	Cashews, almonds, walnuts, pine nuts, baked goods	Yes (specify type)
<b>Milk (dairy)</b>	Dairy products, butter, cream, cheese, whey	Yes
<b>Eggs</b>	Baked goods, mayonnaise, pasta, sauces	Yes

<b>Sesame seeds</b>	Tahini, hummus, breads, Asian cuisine	Yes
<b>Gluten-containing cereals</b>	Wheat, rye, barley, oats — bread, pasta, cereals	Yes
<b>Fish</b>	All fish species, fish sauce, Worcestershire sauce	Yes
<b>Shellfish</b>	Prawns, crab, lobster, oysters	Yes
<b>Soy</b>	Tofu, soy milk, soy sauce, many processed foods	Yes
<b>Lupin</b>	Lupin flour in some gluten-free products and pasta	Yes

## 7. RECORD KEEPING OBLIGATIONS

Under FSANZ Standard 3.2.1 and the *Food Act 1984* (Vic), records must be retained for a minimum of **3 years** and must be immediately available for inspection.

Record type	Minimum content required	Retention
<b>Delivery temperature logs</b>	Date, time, supplier, product, temperature, staff, compliance status	3 years
<b>Supplier certificates</b>	Current HACCP, insurance, allergen declarations with issue and expiry dates	Current + 3 years
<b>FSS certificate</b>	Current accredited certificate with issue and expiry dates	Current version
<b>Corrective action records</b>	Non-conformance, corrective action, outcome, date closed	3 years
<b>Cleaning &amp; sanitation records</b>	Schedule completed, chemicals used, staff, date and time	3 years
<b>Monthly sign-off</b>	Director sign-off confirming compliance review completed	3 years
<b>Food safety audit reports</b>	Annual audit report from approved auditor, non-conformances and actions	3 years
<b>Staff training records</b>	Food handler inductions, training completion, qualifications	Employment + 3 years

## 8. ANNUAL FOOD SAFETY AUDIT

Under s.38D of the *Food Act 1984* (Vic), Class 1 premises must undergo an annual food safety audit by an **approved food safety auditor**.

- **Auditor qualification:** Must be approved by the Victorian Department of Health under s.38C of the *Food Act 1984* (Vic)
- **Audit frequency:** At minimum annually; councils may require more frequent audits based on risk
- **Audit report:** Written report issued; copy provided to the relevant enforcement agency
- **Non-conformances:** Must be rectified within the timeframe specified in the audit report
- **Follow-up audit:** May be required if critical non-conformances are identified

## 9. PENALTIES & ENFORCEMENT

Enforcement is carried out by local councils and the Victorian Department of Health.

Offence	Individual (max.)	Body corporate (max.)
Operating without Class 1 registration	240 pu (~\$47,990)	1,200 pu (~\$239,900)
Selling unsafe food	1,000 pu (~\$199,900)	5,000 pu (~\$999,500)
No current FSS in place	60 pu (~\$11,990)	300 pu (~\$59,990)
Failing to maintain / implement FSP	120 pu (~\$23,990)	600 pu (~\$119,900)
Obstructing an authorised officer	120 pu (~\$23,990)	600 pu (~\$119,900)

*pu = penalty unit. 2026 value approximately A\$199.90. Verify at vic.gov.au. Criminal prosecution may apply for serious offences.*

## 10. COMPLIANCE CHECKLIST

### Registration

- Premises registered with local council as Class 1 food business
- Registration certificate displayed at premises
- Registration renewed annually before expiry

### Food Safety Program

- Documented FSP in place based on HACCP principles
- FSP available on-site for inspection at all times
- FSP reviewed at least annually or after any significant change

### Food Safety Supervisor

- At least one nominated FSS with current accredited certificate
- FSS certificate stored on-site and available for inspection
- FSS display notice posted at premises
- Expiry date tracked — certificate valid 5 years from issue

### Temperature Control

- Cold food maintained at or below 5°C
- Hot food maintained at or above 60°C
- Calibrated thermometer used for all delivery temperature checks
- Temperature of every high-risk delivery recorded at receipt

### Supplier Management

- HACCP certificates held for every active supplier

- Public liability insurance held for every active supplier
- Allergen declarations held for all products supplied
- Certificate expiry dates monitored with advance alerts

### **Record Keeping**

- All records retained for minimum 3 years
- Records immediately available to authorised officer on request
- Monthly sign-off by responsible person completed and archived

### **Audit**

- Annual food safety audit completed by approved auditor
- Audit report filed with council or Department of Health
- All non-conformances resolved within specified timeframe

# 11. REFERENCES & CITATIONS

---

Citations follow the Australian Guide to Legal Citation (AGLC4). Verify currency before relying on this document.

## Primary Legislation

[1]

Food Act 1984 (Vic). Current version: [legislation.vic.gov.au](http://legislation.vic.gov.au). Administered by the Victorian Department of Health and local councils.

[2]

Education and Care Services National Law Act 2010 (Vic). Current version: [legislation.vic.gov.au](http://legislation.vic.gov.au). Administered by the Victorian Department of Education.

[3]

Education and Care Services National Regulations 2011 (Vic). Current version: [legislation.vic.gov.au](http://legislation.vic.gov.au). Regulations 77–80 govern food and beverages.

[4]

Food Standards Australia New Zealand Act 1991 (Cth). Current version: [legislation.gov.au](http://legislation.gov.au). Establishes FSANZ and its standard-setting functions.

## FSANZ Standards — Australia New Zealand Food Standards Code

[5]

Food Standards Australia New Zealand, Standard 3.2.1 — Food Safety Programs. [foodstandards.gov.au](http://foodstandards.gov.au). Mandates HACCP-based FSP for Class 1 premises.

[6]

Food Standards Australia New Zealand, Standard 3.2.2 — Food Safety Practices and General Requirements. [foodstandards.gov.au](http://foodstandards.gov.au). Temperature control, safe handling, and hygiene.

[7]

Food Standards Australia New Zealand, Standard 3.2.3 — Food Premises and Equipment. [foodstandards.gov.au](http://foodstandards.gov.au).

[8]

Food Standards Australia New Zealand, Standard 1.2.3 — Mandatory Warning and Advisory Statements and Declarations. [foodstandards.gov.au](http://foodstandards.gov.au). Priority allergen requirements.

[9]

Food Standards Australia New Zealand, Standard 1.6.1 — Microbiological Limits in Food. [foodstandards.gov.au](http://foodstandards.gov.au).

## National Quality Framework

[10]

Australian Children's Education and Care Quality Authority (ACECQA), National Quality Standard 2018. Quality Area 2: Children's Health and Safety. [acecqa.gov.au](http://acecqa.gov.au).

[11]

Australian Children's Education and Care Quality Authority (ACECQA), Guide to the National Quality Standard. 2020 edition. [acecqa.gov.au](http://acecqa.gov.au).

## Victorian Government Resources

### [12]

Victorian Department of Health, Food Safety Programs — Guidance for Class 1 Food Businesses. [health.vic.gov.au/food-safety](https://health.vic.gov.au/food-safety). Accessed 2026.

### [13]

Victorian Department of Health, Food Safety Supervisor Program. [health.vic.gov.au/food-safety/food-safety-supervisor](https://health.vic.gov.au/food-safety/food-safety-supervisor).

### [14]

Victorian Department of Health, Approved Food Safety Auditors Register. [health.vic.gov.au](https://health.vic.gov.au).

### [15]

Victorian Department of Health, Food Premises Registration — Local Council Directory. [health.vic.gov.au](https://health.vic.gov.au).

## HACCP Guidance

### [16]

Codex Alimentarius Commission, Recommended International Code of Practice: General Principles of Food Hygiene (CXC 1-1969, Rev. 2020). FAO/WHO. [fao.org/fao-who-codexalimentarius](https://fao.org/fao-who-codexalimentarius).

### [17]

Food Standards Australia New Zealand, HACCP Systems and their Application. [foodstandards.gov.au](https://foodstandards.gov.au).

---

**Important disclaimer.** This document is prepared by EthicalHub for general reference only. It does not constitute legal or regulatory advice. Always verify requirements against current Victorian legislation at [legislation.vic.gov.au](https://legislation.vic.gov.au) and [foodstandards.gov.au](https://foodstandards.gov.au), and consult your local council environmental health officer or a qualified food safety consultant for advice specific to your premises. EthicalHub accepts no liability for any loss arising from reliance on this document.

Questions about compliance? Contact EthicalHub: [hello@ethicalhub.com.au](mailto:hello@ethicalhub.com.au) | [ethicalhub.co](https://ethicalhub.co)