



## Food Business Operating from Home Kitchens

To operate a food business from a residential premises there are two main sets of requirements that need to be addressed.

Planning requirements make sure that the proposed activity is suitable for the area and won't have an unwanted negative impact on the surrounding area e.g. noise, parking of customer vehicles. The other set of requirements are those under the Food Act 2008 and Food Standards Code which outline the legal requirements for selling food.

### PLANNING REQUIREMENTS

Operating a home business will require approvals from the Shire of Exmouth's planning department. Information of the requirements for "Home Occupation Permits" and "Home Businesses" is available on the Shire's website or by contacting our Planning Department on (08) 9949 3000.

### FOOD STANDARDS CODE

Most of the rules that apply to food businesses are contained in the Food Standards Code. The Code applies across Australia this ensures that all businesses are subject to the same requirements.

The Code can be viewed on the Food Standards Australia New Zealand Website – [www.foodstandards.gov.au](http://www.foodstandards.gov.au). This website also has a number of other helpful guides.

The following is a guide of the main requirements in the Code that should be considered when operating a food business from home. This information is not intended to cover all of the requirements in the Code.

#### Food Safety Standards

The Food Safety Standards are found in Chapter 3 of the code. These parts of the Codes are arguably the most important for any business operator to know. They cover the minimum food handling, hygiene and structural requirements for food businesses.

The requirements in Chapter 3 are fairly brief which means we can supply booklets (25 pages) of this part of the Code. It is expected that all business operators should read and understand at least this part of the Code. Contact the Shire of Exmouth's Health Department (ph.9949 3000) or proceed to the website ([www.foodstandards.gov.au](http://www.foodstandards.gov.au)) to acquire a copy of Chapter 3.

When applying to operate a home food business the suitability of your kitchen will be assessed in accordance with the Chapter 3 requirements.

Complying with the Food Safety Standards – Specific issues for home businesses if you are operating out of a home kitchen you are still subject to the exact same requirements that you would be if you were operating out of a commercial kitchen. In the home environment there are potential problems which generally wouldn't exist in a commercial kitchen. If contemplating a home food business then it is best to consider these and decide how to deal with them up front. This will avoid conflict with shire's Environmental Health Officers during inspections or problems with customers claiming to have been made ill by your product.



Examples of issues specific to home businesses are as follows.

#### Standard 3.2.2 Clause 6 - Food Storage

This clause requires that a food business must store food in such a way that it is protected from the likelihood of contamination. This clause also has requirements for certain foods to be stored under temperature control e.g. refrigeration.

There is potential for a home business to have problems complying with this requirement particularly where there are members of the household not involved in the food business. Household members not involved in the food business might not have the same level of care when it comes to preventing cross contamination e.g. using the same knife in the peanut butter and then the jam. You also can't have household members (kids, house mates, visitors, etc.) doing things like leaving food out of the fridge or drinking from the milk carton if these ingredients are later going to be used to prepare food for sale.

For some food businesses who only use low risk foods e.g. preparing pickled onions there isn't likely to be a problem. But if handling Potentially Hazardous Food (PHF)\* then thought should be given to how to comply with this clause of the Food Standards Code. Some examples could be:

- having food used for your food business stored separately e.g. separate fridge, set aside a section of your cupboards; or
- If your food business is an operation where you prepare food weekly for local markets then you could avoid problems by buying ingredients as you need them e.g. on the day you produce your products. That way other household members don't have a chance to get at them.

\*In the Food Standards Code Potentially Hazardous Food is defined as food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

#### Standard 3.2.2 Clause 24 – Animals and Pests

The Food Standards Code prohibits animals and pets in areas where food is handled. If you want to let your pet dog or cat roam around inside your house then you can't operate a food business from your home kitchen.

#### Standard 3.2.2 Clauses 14 & 17 and 3.2.3 Clause 14 – Requirements relating to Hand Washing and Hand Washing Facilities

The Food Standards Code requires most food premises to have a separate designated hand washing facilities. This means that the typical double bowled sink found in home kitchens may be inadequate and an additional hand wash basin may be required.

With written approval a food business may operate without a separate hand wash basin. To obtain an approval you must describe the types of products you are intending to prepare and explain the preparation process. You will need to demonstrate the lack of a hand wash basin won't cause problems.

For many operations a double bowl sink should be sufficient. If only one side of the sink is used for preparation then the other side can be left clear for hand washing. Situations where we may refuse approval are generally going to be when a process is likely to result in the unavailability of a basin for hand washing. For example -

- When the nature of the food operation requires that available sinks are available for food processing and would preclude their use for hand washing:  
When there is several staff involved in food preparation. This is highly likely to cause conflict if one staff member needs to use the sink for food preparation and another need to wash his/her hands.

### Mandatory Declarations & Labelling – Chapter 1 Food Standards Code

Regardless of whether food is packaged or unpackaged you should always have an awareness of what is in food you prepare. The Food Standards Code requires certain information to be available to purchasers such as the presence of certain things in food e.g.

- Peanuts
- Soy
- Crustaceans (Shellfish)
- Fish and fish products
- Milk and milk product
- Egg and egg products

There are also requirements that you must be able to supply characterising ingredients information for some products e.g. the amount of strawberries in strawberry jam.

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