

HOME BASED & FOOD BUSINESS INFORMATION SHEET



Home Based Food Business – Important Considerations

What is involved with establishing a Home Based Food Business?

If you are thinking about making food from home to sell to places such as cafes, grocery stores or at fairs, then you are a food business and you need to be aware of the following information.

There is a system in place to ensure that only safe and suitable food is sold. A home based food business must comply with the Food Safety Standards, just as any commercial food premises must comply.

This guide establishes standards for the handling, storage and preparation of food for sale from residential premises. It is intended for use when the food is manufactured in residential premises for **consumption off those premises**.

You will need to contact an Environmental Health Officer (EHO) at the Council and complete a Food Business Notification Form before you begin your food business. The EHO will arrange a time to visit your property to ensure your food preparation areas meet the Food Safety Standards and that you have the correct equipment.

When food is manufactured and offered for sale the premises used must comply with several standards including:

Food Act 2001 and Food Regulations 2017, and Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.

Australian Standard AS4674 for the Design, Construction and Fit-Out of Food Premises will assist you with meeting the above standards.

Generally residential kitchen facilities are problematic in meeting the Food Safety Standard requirements. Therefore the use of these facilities is limited to small scale, low to medium risk food activities. High risk food activities such as catering or the production of sushi, pastries (such as those with meat, custard or cream fillings) and sandwiches will require a separate room or building to be able to comply. Your EHO will be able to advise you on what category your business falls into and what facilities you will need.

Other agencies you may need to contact before commencing your business include:

The planning department at your **Local Council** to ensure your food business falls within the definition of a 'home activity' as described in the *Planning, Development and Infrastructure (General) Regulations 2017*.

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Home Food Businesses - Frequently Asked Questions

Do I need to notify Council?

Food businesses have a responsibility to notify the Authority of specific details of their business. Under the requirements of the Food Act 2001, all businesses undertaking food handling activities or selling food are required to notify of their operations **before** commencing activities and **within 14 days** of changes in ownership or contact information; and when the business ceases to operate. Operating a food business without notifying is an **offence** and penalties apply.

A Food Business Notification form is available from your EHO, the Councils or SA Health website.

What is the application process?

- a. Development – Ensure you have gained Local Council approval to undertake the activity at your home and SA Water approval for trade waste.
- b. Notification – Complete a Food Business Notification Form (available from your EHO or the Authority website) to advise the Authority of your intention to start a home based business.
- c. Inspection – Once an EHO has received your notification, a fit out inspection will be arranged. Further information or plans may be required at any time through the process.
- d. Decision – The EHO will assign the level of risk for your business and provide feedback on the suitability of your premises for the intended purpose. The EHO will provide advice on how to meet the requirements based on the assigned risk level.
- e. Routine Inspection – your premises will then be scheduled for routine inspection. In accordance with the Authority's Food Business Inspection Fee Policy, fees will apply. Both State and Council EHOs can inspect any premises or vehicle at any reasonable time.
- f. The trade waste unit at **SA Water** to complete a Trade Waste Application form for determination on grease arrestor requirements for your premises if required: <https://www.sawater.com.au/forms/trade-waste-application>

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What facilities will I need?

The Food Act 2001 and the Food Standards Code set out the minimum requirements for food businesses to ensure food premises (including vehicles) are designed and constructed to minimise opportunity for food contamination.

Facilities used for the storage, handling and/or preparation of food are required to be constructed and fitted out in accordance with the requirements of Food Standards Code - Food Safety Standard 3.2.3. The Australian Standard AS4674 provides additional information on construction and fit out to assist you in complying with Food Safety Standard 3.2.3.

Residential domestic kitchens can be used only in certain circumstances as described in the following section 'Can I use my domestic kitchen for a home based food business?'. Your EHO will be able to assist you with determining if a domestic kitchen is appropriate for your business activity.

Your home based food business must (as a minimum) meet the following:

1. The size of the kitchen and storage area must be adequate for the intended use.
2. Surfaces including floors, walls, ceiling and equipment must be designed to be smooth, impervious and able to be easily and effectively cleaned and sanitised.
3. Equipment used should be designed with sufficient capacity to cope with the requirements of the activity. This includes fridges, freezers, ovens, sinks and dishwashers.
4. Hot and cold water must be connected to the required sinks and designated hand wash basin, and the hot water system should be of sufficient capacity to cope with the intended demand.

Can I use my domestic kitchen for a Home Based Food Business?

The domestic kitchen or residential premises may be used in the following circumstances:

Food handled is for the provision of ready-to-eat meals at bed and breakfast type accommodation, or the food production activity is low or medium risk and on a small scale.

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The EHO will advise of the risk assigned to your business. If the food production activity is of high risk, a domestic kitchen will not be suitable and a commercial grade kitchen will be necessary to comply with legislation.

When a domestic kitchen is used, the following is to be provided:

- separate and clearly identifiable utensils and equipment for the production of food for sale,
- a separate area or clearly identifiable containers for the storage of preparation equipment,
- separate and clearly identifiable supplies of ingredients for the production of food for sale,
- a separate area or clearly identifiable containers for the storage of food (ingredients and final produce). This includes dry, cold and frozen storage,
- Designated hand washing facilities with warm running potable water.

Where separate hand washing facilities cannot be provided in the domestic kitchen, an exemption will be required under the requirements of the Food Safety Standard 3.2.3 Premises and Equipment, Clause 14(4). An Exemption Form is available, please contact Councils.

Please note: Home activity requirements under the *Planning, Development and Infrastructure (General) Regulations 2017*, have limitations on equipment that can be used in residential environments, along with service demands, e.g. trade waste connections. Exceeding these requirements will deem your activity unsuitable for a residential environment. Please refer any queries to your Local Council's Development Department.

What health and hygiene requirements do I need to comply with?

Every person engaging in the preparation or storage of food needs to ensure they are meeting the requirements of the *Food Act 2001* and the Food Standards Code as listed above, with particular attention to the following:

Whilst food production is in progress, family members or other persons not directly connected with food preparation are restricted in their access to the area where food is handled or stored.

No person shall smoke in the food preparation or storage area.

Normal domestic duties are not permitted in the food preparation or storage area.

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Household pets of all kinds are not to have access to, or be in the food preparation or storage area at any time.

Decorations, pot plants and curtains, which render various surfaces incapable of being adequately cleaned, must be avoided.

Garden fertilisers, household insecticides, chemicals, medications and items that may cause physical contamination must not be kept in the food preparation or storage area.

Can I transport food?

The owner/operator must be aware of the legal requirements relating to the transport of food (particularly potentially hazardous food) to the point of sale. During transport food, food contact surfaces and packaging need to be protected from contamination. This can be achieved by ensuring the vehicle is clean and using containers with tight fitting lids to transport food. Children and pets must not be allowed in the vehicle during transport. Smoking in the vehicle during transport is prohibited. It is also necessary to ensure that potentially hazardous food is kept below 5°C or above 60°C during transport.

Do I need to label the food I make?

Food manufactured for sale in South Australia needs to meet product labelling requirements including nutrition panels, ingredient lists and supplier details. For further information or to see if your business needs to meet these requirements refer to the Guidelines of Packaged Food for Retail Sale which can be found on the SA Health website.

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/resources/guide+to+the+labelling+of+packaged+food>

What if the food is for fund raising functions?

It is not the intent of this guide to prevent the "one off" preparation of non-potentially hazardous foods such as items of confectionery, biscuits or cakes for sale at fund raising functions. However, all safeguards associated with food handling and food hygiene should be adhered to during the handling and packaging. Labelling requirements may not apply to food prepared for fund raising functions. To determine if you need to meet labelling requirements refer to the SA Health website.

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/food+safety+for+businesses/food+industry+sector/charity+and+community+groups+and+food+safety>

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Do I need a food recall procedure?

Food Safety Standard 3.2.2 requires businesses involved in the manufacturing or wholesale supply of food to have a recall procedure in place. This involves having a written system in place to ensure the recall of unsafe food, which needs to be made available upon request to an authorised officer. For information on designing a food recall plan visit the Australian Food Standards website.

<http://www.foodstandards.gov.au/consumer/safety/faqsafety/pages/foodsafetyfactsheets/foodrecallsystemsfor104.aspx>

What if the event is outdoors?

When food is prepared at the point of sale, such as an outdoor function, the preparation area must comply with requirements for Temporary Food Premises. Please consult the EHO prior during the organisation of any outdoor events.

Are there penalties?

Substantial penalties apply for non-compliance with the provisions of the *Food Act 2001* and Food Standards Code. Penalties may also apply for operating a home based food business without notifying the Authority.

Resources:

Food Act 2001

Food Regulations 2017

Food Standards Code

Australian Standard AS4674

Planning, Development and Infrastructure (General) Regulations 2017

<https://www.sawater.com.au/my-business/trade-waste/trade-waste-management/trade-waste-guidelines-and-fact-sheets>

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/food+safety+for+businesses/food+safety+for+businesses>