



## Food Businesses Operating from Home Kitchens

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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 eg: 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 Coolgardie's Planning department. Information of the requirements for "Home Occupation Permits" and "Home Businesses" is available from the Shire by contacting our Development Services Department on 9080 2111.

<http://www.coolgardie.wa.gov.au/Development-Services.aspx>

### FOOD STANDARDS CODE

Most of the rules that apply to food businesses are contained in the Food Standards Code. The Code applies across Australia so 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 has a number of other helpful guides.

Following is a guide of the main requirements in the Code that should be considered when considering 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 Code are arguably the most important for any business operator to know. They cover the minimum food handling, hygiene and structural requirements for food businesses. It is expected that all business operators should read and understand at least this part of the Code. When applying to run 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

council'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 eg: 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 eg: 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 only using low risk foods eg: 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 you will comply with this clause of the Food Standards Code. Some examples could be:

- having food used for your food business stored separately eg: 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 eg: on the day you produce your products. That way other household members don't have a chance to get at them.

### **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's 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 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

eg:

- 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 eg: the amount of strawberries in strawberry jam.

If the person preparing the food is the only one that is selling it then these requirements should be fairly easy to comply with because they will know what has been put in it. However if persons other than those who have prepared the food will be involved in its sale then it is recommended that ingredient information is available so that they can provide the required information.

If you are selling food from where it is prepared then you generally won't need to know much about the labelling requirements. You will need to be careful though if you make claims regarding your products. For example if you state that your home made jam is "High in Vitamin C" then it will require a label with all the Nutrition Information Panel information (energy, protein, fat, carbohydrates, sugars, sodium) and including information on the amount of Vitamin C).

Health related claims such as "This product will lower your cholesterol" are prohibited on food products without approval from FSANZ. The approval process for these types of claims is fairly long and difficult. It would be advised that home businesses avoid making health related claims.

If you are selling packaged food somewhere other than where it is produced then a whole range of labelling requirements are likely to apply. These can be a bit complicated and if you've never seen them before it can be a bit daunting. The best way to approach the labelling requirements is to start by looking at **Standard 1.2.1 – "Application of Labelling and Other Information Requirements."** Clauses 2 & 3 in this standard will let you know if your product/s are/is required to have a label. If they do then you should work through the other standards in Chapter 1 one by one. There are labelling requirements regarding the following:

- Food Identification Requirements
- Mandatory Advisory Statements and Declarations
- Labelling of Ingredients
- Date Marking of Packaged Food
- Directions for use and Storage
- Nutrition Information Requirements
- Legibility Requirements

- Characterising Ingredients
- Country of Origin Requirements

If you are required to prepare food labels for your products then it is recommended you look at the guides on the Food Standards website. There is also a Nutrition Information Panel (NIP) calculator which can be used to prepare NIP information based on recipe information.

### **Other Requirements in the Code**

The Code has requirements regarding a large range of things such as

- Compositional requirements eg: minimum amount of meat in a meat pie, pH of yogurt, minimum fruit content for fruit jams etc....
- Allowances for addition of food additives, vitamins and minerals
- Maximum Residue Limits

Many of these requirements won't be relevant to a home business but if you are preparing packaged food then it is recommended that you have a look thorough the contents of the Code to determine if there are relevant requirements. During the application process Council's [Manager Development Services](#) will endeavour to help you with advice.

### **Food Business Registration**

The Food Act 2008 requires all food businesses to notify the relevant council of there operation. The registration forms and fee information are available from the Shire of Coolgardie's Development Services Department by calling 08 9080 2111.