

## Purpose

This Guideline establishes the requirements for new businesses that are considering operating from a residential premise or domestic kitchen. The objective of the Guideline is to ensure that home based food businesses understand and comply with the relevant legislation and to ensure that only safe and suitable food is sold.

## Background

Traditionally only small businesses, which produced low risk foods, such as cakes, biscuits and jams were operated from domestic kitchens. These businesses were generally able to manage their risks and comply with the requirements of the *Food Safety Standards* due to the small scale and low risk nature of the food operations conducted.

More recently, there has been an increase in the occurrence of food businesses producing higher risk potentially hazardous foods (PHF) from domestic kitchens without adequately assessing the food safety risks and suitability of the premises. Domestic kitchens are generally not designed and equipped for commercial food production and therefore the safety and suitability of food being produced for sale may be compromised.

## Definitions

In this Guideline, unless the contrary intention appears:

**“Food”** - Means any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared) includes ingredients or additives.

**“Handling”** - In relation to food, includes making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

**“Home Based Food Business”** - Any business involved in the handling of food from a residential premises or domestic kitchen.

**“Potentially Hazardous Food”** - Potentially hazardous food means 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 (see *Section 3 of Frequently Asked Questions*).

**“Premises”** - Means any land (whether or not vacant), the whole or any part of a building, tent, stall or other structure (whether of a permanent or temporary nature), a pontoon or a vehicle (other than a food transport vehicle while it is engaged in the transport of food).

**“Selling food”** - All circumstances in which food is provided in exchange for money or other benefit, as a part of a service (for example meals provided as part of accommodation) or for some other gain to the business from providing the food. It also includes food that is provided as part of a demonstration to promote food products (e.g. taste testing) because the business expects to gain by selling the product. It does not include food that is given away and for which nothing is expected in return; for example food prepared in the family home for family and friends.

## Application of this Guideline

This Guideline applies to all **new** food businesses operating from a residential premise or domestic kitchen located within the jurisdiction of Eastern Health Authority (EHA). This includes businesses preparing food at home to sell at markets, other food businesses or from a mobile food van.

The following Councils are included in EHA's jurisdiction:

- City of Burnside.
- Campbelltown City Council.
- City of Norwood, Payneham & St Peters.
- The Corporation of the Town of Walkerville.
- City of Prospect.

The Guideline does not apply to existing home based food businesses that notified with EHA before 1 March 2017. These businesses are however expected to comply with the Guidelines if:

- Any changes are made to the type of food produced/prepared which changes your risk classification (to be determined by EHA).
- There are any significant changes in the volume of food produced/prepared.
- The business ceases operations and reopens.

Existing home based food businesses are however still expected to fully comply with Food Safety Standard 3.2.2 and the requirements outlined in *Section 4 of Frequently Asked Questions*.

## Legislative Requirements

Food businesses operating from residential premises and domestic kitchens are expected to comply with the same Standards and Regulations as commercial food businesses. These Standards and Regulations include:

- Food Act 2001 (South Australia).
- Food Regulations 2002 (South Australia).
- Australia New Zealand Food Standards Code.
  - Standard 3.1.1 - Interpretation and Application.
  - Standard 3.2.2 - Food safety practices and general requirements.
  - Standard 3.2.3 - Food premises and equipment.

All new food businesses that handle potentially hazardous foods will require a separate room or building to comply with the above legislative requirements. Domestic kitchens cannot be used, except for certain activities that are considered low risk (see *Section 2 of Frequently Asked Questions*).

## Assessment Process

New home based food businesses must contact EHA before commencing operations to ensure the legislative requirements outlined above are complied with. The assessment process is outlined below:

1. *Assessment Form* - The Assessment Form attached to this Guideline is to be completed and submitted to EHA before the business commences.
2. *Preliminary Assessment* - Once the Application Form has been received, an Environmental Health Officer (EHO) will arrange a preliminary assessment. This will involve an inspection of the premise or a questionnaire over the phone. The assessment will ensure that the premise complies with the relevant legislation and is appropriate for the intended use. Council's Planning & Development Department may also be notified of your proposal.
3. *Decision* - A decision will be made on whether your premise is suitable to operate as a food business once all required information has been received and processed. A written outcome will be provided to you.

4. *Notification Form* - If your premise is deemed suitable, a Food Business Notification form needs to be completed and submitted to EHA (see *Section 9 of Frequently Asked Questions*). If your premise is not deemed suitable further instructions and options will be provided to you in writing.
5. *Routine Inspection* - Once the Food Business Notification form is received, your premises will be scheduled for routine inspections.

## Frequently Asked Questions

### 1. What facilities will I need?

The Food Safety Standards set out the minimum requirements for food businesses to ensure food premises (including vehicles) are designed and constructed for the sale of safe and suitable food.

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 Safety Standards 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.

At a minimum food businesses must:

1. Provide a separate room or building for the handling, storage and preparation of food for sale from residential premises, and it must be physically separated by a wall or self-closing lockable door, from the rest of the domestic premises/environment.
2. Ensure adequate space is provided, having regard to the volume of food produced, to allow all activities to be conducted without compromising food safety.
3. Ensure all fittings, fixtures and equipment are designed, constructed, located and installed so that they will not contaminate food, can be easily and effectively cleaned and are suitable for the volume of food produced.
4. Provide a separate hand washing facility that complies with Standard 3.2.3 Clause 14. The hand washing facility must therefore be:
  - a. Located where it can be easily accessed by food handlers.
  - b. A permanent fixture.
  - c. Connected to a supply of warm running potable water.
  - d. Of a size that allows easy and effective hand washing.
  - e. Clearly designated for the sole purpose of washing hands, arms and face.
5. Ensure that an adequate number of sinks are provided for:
  - a. Effectively cleaning and sanitising equipment and utensils.
  - b. Washing and rinsing food products.

For further information on what facilities are required please request a copy of EHA's '*Construction and Fit-out Guidelines*'. The use of a domestic kitchen of residential premises can be used in certain circumstances as described below in *Section 2 of Frequently Asked Questions*.

### 2. Can I use my domestic kitchen for a home based food business?

In most circumstances a separate food preparation area and facilities will be necessary to comply with the legislation. The domestic kitchen of residential premises can be used, subject to the following conditions:

- The food product being manufactured is not deemed to be potentially hazardous by EHA (See *Section 3 of Frequently Asked Questions*).
- The food being manufactured (and or handled, stored or prepared) is for the provision of ready to eat meals for bed and breakfast type premises.

In addition the following conditions also apply where a domestic kitchen is approved for use:

- A separate area or clearly identifiable containers must be used for the storage of all ingredients.
- Separate and clearly identifiable utensils must be used.
- A separate storage area or clearly identifiable container must be used for the storage of all final products.

Please note that the home activity requirements under the Development Act 1993 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.

### 3. What is Potentially Hazardous Food?

In Standard 3.2.2 potentially hazardous food (PHF) is defined as food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food or to prevent the formation of toxins in the food.

PHF have certain characteristics that support the growth of pathogenic microorganisms or the production of toxins. Examples of foods that are normally considered potentially hazardous include:

- Raw and cooked meat/poultry or foods containing raw or cooked meat/poultry.
- Foods containing eggs (cooked or raw).
- Dairy products and foods containing dairy products, for example milk, dairy-based desserts, bakery products filled with fresh cream or with fresh custard.
- Prepared fruits and vegetables, for example cut fruits, salads and unpasteurised juices.
- Cooked rice and both fresh and cooked pasta.
- Foods that contain any of the above foods, for example sandwiches, pizzas and rice rolls.

If it is uncertain whether a manufactured food is potentially hazardous, advice should be sought from an EHO.

#### *What food is not potentially hazardous?*

If a food does not contain pathogens, or does not support the growth of a pathogen or toxin production, then it is not potentially hazardous.

Examples of food types considered to be not potentially hazardous include: biscuits and crackers, confectionary, dry goods, fruit cakes and plain cakes, honey and jam, peanut butter, plain bread and bread rolls, and raw whole fruit and vegetables.

### 4. 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 Safety Standards 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.
- 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.

### 5. 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 products 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.

## **6. 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.

## **7. 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 EHO. Information on designing a food recall plan can be found on SA Health's website.

## **8. Are there penalties?**

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

## **9. Do I need to notify EHA?**

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. Food Business Notification forms can be found on EHA's website [www.eha.sa.gov.au](http://www.eha.sa.gov.au).

## **Where can I find further information?**

The EHO's can be contacted on (08) 8132 3600 and are able to provide food safety information.

Additional information on your legislative requirements and safe food handling can be found at the following web pages:

<http://www.eha.sa.gov.au>

<http://www.health.sa.gov.au/pehs/food-index.htm>

<http://www.foodstandards.gov.au/foodstandards/foodstandardscode/>

<http://www.foodstandards.gov.au/publications/Documents/Safe%20Food%20Australia%20third%20edition%20web.pdf>

## Assessment Form for Home Based Food Businesses

<b>Name:</b> (first) _____ (last) _____		
<b>Address:</b>		
(Street Address) _____	(Suburb) _____	(PO Box) _____
<b>Contact details:</b>		
(Work) _____	(Mobile) _____	(Email) _____
<b>Name of proposed food business:</b> _____		
<b>Address of proposed food business:</b>		
(Street Address) _____	(Suburb) _____	(PO Box) _____
<b>Brief description of business/operation (include types of food made/sold)</b>		
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.....		
.....		
.....		
<b>Proposed number of employees handling food:</b> _____		
<b>Proposed operating hours:</b> _____		
<b>Are the business activities proposed to be undertaken in a separate kitchen or area? YES / NO</b>		
Please include plans and diagrams of the kitchen location / area, including equipment installed, types of flooring etc		
<b>Application submitted by:</b>		
(Name) _____	(Position) _____	(Date) _____
(Signature) _____		

Please send assessment form to [eha@eha.sa.gov.au](mailto:eha@eha.sa.gov.au) or PO Box 275, Stepney SA 5069