

Appendix 10: Home-based food businesses

This appendix provides information on home-based businesses. It is not intended to be stand alone and should be read in conjunction with other sections in Safe Food Australia.

What is a home-based food business?

Home-based businesses typically use their home (domestic premises) to handle food for sale. They include, for example: preparing food for sale at local markets or school canteens in a home kitchen; home-based catering businesses; bed-and-breakfast and farm home-stay accommodation; home-based child-care businesses that provide food; restaurants with accommodation for the owner, family or staff.

The handling of food intended for sale includes all activities that may take place in relation to food including cooking, preserving, processing, preparing, packing, storing and transporting (see the definition of 'handling' for further information). The sale of any food includes any gain to the business from providing the food, not just the direct exchange of money for food (see definition of 'sell' for further information).

'Food premises' in the context of home-based businesses includes land and structures used jointly or in part as a private dwelling that are also used for handling food for sale. It includes food business activities in the business owner's home or in another person's house (see definition of 'food premises' for further information).

What requirements apply to home-based businesses?

Regardless of the scale or type of operation, home-based businesses, like all food businesses, must comply with the relevant parts of the Food Standards Code including Standard 3.2.2 and Standard 3.2.3, and Part 1.2 — Labelling and Other Information Requirements. Guidance can be sought from local government where the operation will occur.

Because of the nature of a home-based business (i.e. they operate from private dwellings with domestic-style kitchens) exemptions to some requirements may be provided (e.g. under Standard 3.2.2 clause 17, and Standard 3.2.3 clauses 4, 10 and 14).

Depending on the scale and complexity of the activities being undertaken by the business, the application of food safety requirements to domestic premises should take an outcomes-based approach to balance practicality with the management of food safety risks. Specific information on particular clauses is provided below.

Information on specific requirements

Standard 3.2.2

3 Skills and knowledge

All food businesses are required to ensure that everyone who handles food for sale in their business has skills and knowledge appropriate to their activities, in both food safety and food hygiene. For home-based businesses it might only be one member of the household that is involved in food handling operations.

The level of skills and knowledge required should be commensurate with the activities of the food business. For example, a home-based business that handles ready-to-eat potentially hazardous food (e.g. a home-based caterer) should be expected to have a greater level of food safety and food hygiene knowledge than a home-based business that packs and sells non-potentially hazardous food (e.g. jams and preserves). Depending on the food handling activities of the business and the jurisdiction (e.g. local council) in which it operates, the business may be required to have a trained food safety supervisor.

4 Notification

Notification requirements apply equally to all food businesses. As part of notification, information on the 'nature of the food business' is required. This information allows enforcement agencies to gain an understanding of the types of food and food handling operations to be undertaken by the home-based food business and can allow an assessment of the risks posed to food safety and suitability.

Division 4 Health and hygiene requirements applies to home-based businesses and includes appropriate management of sick family members or visitors in the home.

17 Hygiene of food handlers – duties of food businesses (related to hand washing)

17(2) Paragraph(1)(c) does not apply in relation to hand washing facilities at food premises that are used principally as a private dwelling if the proprietor of the food business has the approval in writing of the appropriate enforcement agency

Subclause 17(2) allows enforcement agencies to provide an exemption to home-based businesses from the requirement of 17(1)(c) that hand washing facilities in the premises are used solely for washing hands, arms and face. This exemption recognises that designated hand washing facilities are not usually provided in domestic-style kitchens. Guidance should be sought from the council where the operation will occur as, depending on risks posed by the food products or processes, exemptions are not always granted.

It is important that hand washing facilities are always available while food is being prepared and that they do not become contaminated. In a domestic kitchen this can be achieved by:

- having only one or two people at most using the kitchen so that a sink should always be available
- organising food handling activities so that the use of the sink can be separated by time (i.e. the sink is only used for one purpose at a time) and it is available when required
- cleaning and sanitising the sink between uses if there is risk of food contamination occurring (for example between using a sink for hand washing and washing food).

See also Standard 3.2.3 clause 14, below, for exemptions for hand washing facilities.

18 General duties of food businesses (related to people on premises)

18(3) A food business must take all practicable measures to ensure all people on the food premises of the food business:

- (a) do not contaminate food;**
- (b) do not have unnecessary contact with ready-to-eat food; and**
- (c) do not spit, smoke, or use tobacco or similar preparations in areas where there is unprotected food or surfaces likely to come into contact with food.**

As home-based food businesses operate from domestic premises, it should be expected that family members and visitors not involved in food handling activities may be on the premises. It is important that the business has measures in place to make sure people in the home do not contaminate food. Practicable measures might include, for example:

- having designated storage areas for food (e.g. in secured containers, cupboards, rooms, refrigerators) to keep family food separate from the business's food
- keeping visitors and family members away from the kitchen or other food preparation area when food is being processed
- preventing young children accessing food handling areas by, for example, using child safety gates or by only handling food at times when children are not present
- not allowing smoking in food preparation areas.

20 Cleaning and sanitising of specific equipment

Information on cleaning and sanitising is available in Appendix 6, including the use of domestic dishwashers and sanitising agents such as domestic-grade bleach.

24 Animals and pests

24(1) A food business must —

- (a) subject to subclauses (2) and (3), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish; and**

A home-based food business should have measures in place to make sure pet animals are unable to access areas where food is handled. Practical measures might include, for example:

- physical barriers to prevent animal access to areas to where food handling activities are occurring (e.g. self-closing screen doors, child safety gates)
- storing food in secure rooms or cupboards
- making sure pets are not in the vehicle when transporting food, or ensuring there is a suitable physical barrier in place to protect the food from contamination by pets.

Standard 3.2.3

Application

The application of Standard 3.2.3 to home-based food businesses should recognise that the business will generally use existing kitchens and facilities that are not designed to commercial-standard specifications, since domestic premises are usually not expected to have to withstand the same amount of use and cleaning as commercial premises. For example, domestic kitchens may have kick plates and false bases to benches, and appliances such as domestic dishwashers, range hoods and refrigerators.

There are specific exemptions in Standard 3.2.3 from certain requirements based on practicalities (e.g. in relation to hand washing facilities and flooring). In relation to other requirements, a risk-based approach should be taken to assessing compliance with standards. It is suggested that structural changes to a home should only be required where there is a direct food safety risk posed that cannot be managed using existing facilities.

3 General requirements (related to adequate space)

The design and construction of food premises must —

- (b) provide adequate space for the activities to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities

The adequacy of domestic premises will depend on the operations carried out by the food business and the volume of food it handles. Factors to be considered include:

- adequate space to separate food handling activities to prevent cross-contamination (e.g. sufficient bench space/table area for work flow so that, for the volume of food being handled, prepared ready-to-eat foods are separated from raw foods and ingredients).
- adequate space to safely store ingredients, food packaging and other raw materials (e.g. sufficient cupboards/secure storage areas for the scale of operations)
- adequate space for additional refrigerator/s or freezer/s if required.

4 Water supply

Where water is required for food handling activities conducted by the business, clause 4 requires an adequate supply of water to be available and that only potable water is used for all activities of the food business (see definitions of 'adequate supply of water' and 'potable water').

Home-based business will generally have domestic hot and cold water systems appropriate to the size of the dwelling (e.g. based on the number of bathrooms). The adequacy of these systems to provide water at an appropriate capacity and temperature when required for food handling activities will depend on the scale and nature of the business and its water needs.

For domestic premises connected to reticulated town water supplies, it can be assumed that the supply is potable. If potable water is supplied from rain water tanks, the storage tanks must be adequately designed and constructed to prevent contamination (see section in main text on clause 4).

Subclause 4(3) states that some businesses may be exempted from using potable water if they can demonstrate there is no risk to food being produced (see section in main text). Non-potable water can be used only where it will not affect food safety (e.g. for some cleaning tasks or extinguishing fires).

6 Storage of garbage and recyclable matter

Subclause 6(a) requires food premises to have facilities for the storage of garbage and recyclable matter that are adequate for the volume and type of garbage and recyclables produced by the business.

Domestic premises will generally be provided with garbage and recycling bins to a volume appropriate for general household use. Depending on the operations of a home-based business, additional storage may be required for the waste produced. If more storage is required, additional bins or other waste collection services may need to be organised.

7 Ventilation

Exhaust hoods used in domestic-style kitchens come in a wide range of styles and extraction capacities. Range hoods may be ducted or recirculating, fixed or retractable. If the operations of a home-based business include cooking large volumes of food, particularly where frying is involved, the suitability of the existing exhaust system should be assessed for its ability to cope with the amount of heat, grease and vapours that will be produced.

10 Floors

Floors must be designed and constructed appropriately for the activities conducted by the food business so they can be effectively cleaned and unable to absorb grease, food particles and water (see section in main text on clause 10).

In domestic premises used for food businesses these requirements apply to floors in kitchens, storerooms and personal hygiene areas (e.g. toilets, bathrooms, or other areas where hand washing and other cleaning may occur). In these areas, carpet and other absorbent matting would be unsuitable. The use of matting, such as dust control mats, should comply with the requirements for equipment in clause 12 (see below).

Subclause 10(3) allows for an exemption to specific requirements for floors where the floor is unlikely to pose any risk of contaminating food and the business has written approval:

10(3) The following floors do not have to comply with subclause (2):

(b) floors of food premises that are unlikely to pose any risk of contamination of food handled at the food premises provided the food business has obtained the approval in writing of the appropriate enforcement agency for their use.

12 General requirements (related to fixtures, fitting and equipment)

Subclause 12(1) requires fixtures, fitting and equipment to be adequate for the production of safe and suitable foods and fit for their intended use. Depending on the type and scale of operation carried out by a home-based business, the adequacy of domestic appliances and equipment should be risk assessed.

Refrigeration

For food business operations that include cooling and storing potentially hazardous foods, the refrigerator design and amount of space available should be appropriate for the volume of food intended to be handled, taking into account peak use (e.g. a home-based caterer should have adequate refrigerator space for its largest function). If the space is inadequate, an additional refrigerator may be required. Noting that domestic-style refrigerators generally do not have temperature displays, alarms or data loggers, the business will need to ensure it operates the refrigerator to keep food at 5°C or below. This can be checked using a calibrated thermometer, which should be available on site at all times.

Floor mats

The use of matting, such as dust control mats, should comply with the requirements for equipment in clause 12. For example, they should be designed, constructed and located so that they can be easily cleaned and there is no likelihood that they will cause food contamination.

Dishwashers

See clause 20 Cleaning and sanitising above.

Exhaust hoods

See clause 7 Ventilation above.

14 Hand washing facilities

14(4) With the approval in writing of the appropriate enforcement agency, food premises specified in the approval do not have to comply with any requirement of this clause that is also specified in the approval.

14(5) Only food premises used principally as a private dwelling or are temporary food premises may be specified in an approval for the purposes of subsection (4).

Subclauses 14(4) and 14(5) allow enforcement agencies to approve an exemption for home-based businesses to the specific requirements for hand washing facilities in clause 14. This exemption recognises that a permanent, designated hand basin within food handling areas, and/or immediately adjacent to a toilet is not usually provided in domestic premises.

Approval of an exemption to a requirement under clause 14 should be based on risk assessment. That is, the enforcement agency should be satisfied that the alternative arrangements specified are adequate to manage any food safety risks posed.

Factors that should be considered in assessing whether alternative arrangements do not pose a food safety risk include the food handling operations taking place, the quantity and type of food being prepared and the number of people that will be using the facilities. For example:

- If the operations of the business require several staff to prepare food at the one time in the kitchen and their hands are likely to be a source of contamination of food, a designated hand wash basin should be provided in the kitchen so it can be easily accessed when required.
- If there is only one food handler in the kitchen, the risk of cross contamination might be less likely if a single sink is used for hand washing and other activities as only one task at a time would generally be undertaken (the sink would be used for only one purpose at any one time).
- If the food handling activities of the business involve the preparation of large quantities of ready-to-eat potentially hazardous food at the one time (where handling activities are likely to be a source of contamination and frequent hand washing may be required) then a hand wash basin in the kitchen might be required.
- If the food handling activities of the business are unlikely to be a source of contamination of food (e.g. only packaged food is handled) a hand wash basin might not be required.

Alternative arrangements to having a sink solely available for hand washing in a domestic kitchen include:

- having a washbasin adjacent to the kitchen or easily accessible from the kitchen
- if the kitchen has a double bowl sink, one compartment could be designated for hand washing (if no food safety risk is posed).

An exemption from having a hand basin immediately adjacent to the toilet or toilet cubicle may be approved in domestic premises if other hand washing facilities can be safely used. The outcome required is that food handlers are able to adequately wash their hands before resuming food handling activities or having an opportunity to contaminate surfaces within the kitchen.

See also Standard 3.2.2 clause 17, above, for exemptions for hand washing facilities.