



## FACT SHEET: HOME BASED FOOD BUSINESS (DOMESTIC KITCHEN)

### Home-based food business

#### Do I need a licence?

The *Food Act 2006* (the Act) requires certain food businesses to hold a licence and some high-risk food businesses to also have an accredited food safety program.

Before a food business can commence operating, approval from the Local Government Authority (Council) is needed.

Prior to commencing any business activities, it is recommended that you speak with Council's town planning, building, plumbing and environmental health staff to obtain the correct approvals and information.

#### When is a food license required?

A food business is any business, enterprise or activity that involves the handling of food. This includes commercial, charitable, non-profit and community organisations.

Home-based food business activities which need a licence include:

- home-based catering
- home-based preparation of food for sale at a market or fete
- bed and breakfast accommodation
- motel kitchens that also serve as kitchens for owners or on-site managers
- cooking demonstrations where the demonstrator supplies the ingredients, and the participants consume the prepared food.

If the handling of food occurs at a domestic premises, there are a number of special considerations involving approval and food safety which need to be considered.

Examples of home-based food businesses may include:

- bed and breakfast
- making food at home to sell food at markets
- making food for fundraising events
- making food for school canteens
- home based catering

#### Non-profit Organisations.

The *Food Act 2006* (the Act) allows non-profit organisations to serve food without requiring a food business licence in most circumstances. Non-profit organisations handling food in the following situations will require a food business licence:

- Selling meals prepared by organisation at a particular place on 12 or more occasions.
- Manufacturing and packaging food for sale at a different location e.g. preparing food at main kitchen and selling at markets at a later date.



The definition of a meal is food that:

- Is, or intended to be, eaten by a person sitting at a table, or a fixed structure used as a table, with cutlery, and,
- Is of adequate substance as to be ordinarily accepted as a meal.

Non-profit organisations which are not required to hold a food business licence are still obligated to comply with the Act and the Food Safety Standards to ensure that they provide safe and suitable food.

All volunteers that will be handling food should be familiar with the requirements of the Food Safety Standards.

## When a licence is not needed.

You do not need a food licence for food prepared in the home on a commercial basis for:

- pre-packaged food
- whole fruit and vegetables
- snack and other foods that are not potentially hazardous, e.g. chocolates, confectionary, dried fruit, cereals, uncooked pasta and spreads
- primary produce (accredited producers).
- family day care operations
- student boarding accommodation
- cooking demonstrations where the participants supply the ingredients, help with the food preparation and then consume it
- in-home support services for an individual.

Note if you intend to serve alcohol also, you will need to comply with the requirements of the *Liquor Licensing Act 1992*. Details of the requirements can be found here: <https://www.business.qld.gov.au/industries/hospitality-tourism-sport/liquor-gaming/liquor/licensing/applications>.

## Obligations of a home-based food business

Food businesses that operate from home must comply with the other requirements of the Act and the provisions of the *Australia New Zealand Food Standards Code* (the Food Standards Code), whether or not they are required to hold a licence under the Act. This excludes the handling, at a person's home, of food intended to be given away to a non-profit organisation for sale by the organisation.

## Potentially hazardous food

You must store potentially hazardous food below 5 degrees Celsius or above 60 degrees Celsius to minimise the growth of bacteria in the food.

Examples of potentially hazardous food include:

- raw and cooked meat or foods containing meat, such as casseroles, curries and lasagne
- dairy products (e.g. milk, custard, dairy-based desserts)
- seafood (excluding live seafood)
- processed fruits and vegetables (e.g. salads)
- cooked rice and pasta
- foods containing eggs, beans, nuts or other protein-rich foods, such as quiche and soy products
- foods that contain these foods such as sandwiches and rolls.



## Accredited Food Safety Supervisor (FSS)

Licensable food businesses are required to nominate a food safety supervisor and an accredited food safety program is required if the food business involves catering. For further information on food safety supervisors go to ([www.qld.gov.au/health/staying-healthy/food-pantry/starting-a-food-business/skills-and-knowledge/food-safety-supervisors](http://www.qld.gov.au/health/staying-healthy/food-pantry/starting-a-food-business/skills-and-knowledge/food-safety-supervisors)) and food safety programs and auditors ([www.qld.gov.au/health/staying-healthy/food-pantry/food-safety-programs-and-auditors](http://www.qld.gov.au/health/staying-healthy/food-pantry/food-safety-programs-and-auditors)).

## Food Safety Standard

All food businesses are required to comply with Food Safety Standard 3.2.3 - *Food Premises and Equipment* of the Food Standards Code.

To determine if your premises complies with the Standard, download the design and fit-out guide (DOC). It is recommended that you contact Council about information on zoning restrictions, planning considerations, waste disposal requirements, environmental controls, and other Council regulations.

## Self-Accessibility Checklist

**Prior to applying to Council for a home-based food license, consider the following self-assessable factors which will be considered by Council prior to approval.**

- Licensing*: where buying or starting a new Home-Based Food Business, is there an existing license/do you need to apply for a new license (mandatory)?
- Accredited FSS*: Copy of the Statement of Attainment for the food safety supervisor/s qualification (mandatory).
- License*: Current food business licence (original copy) (mandatory).
- Menu*: Detailed food menu on display (mandatory).
- Ingredients List*: List of potentially hazardous ingredients (mandatory).
- Food Safety Standards (3.2.3)*: Two copies of each plan, drawn to scale (mandatory).
  - Site plan
  - Floor plan
  - Sectional elevation plans
  - Hydraulic plan
  - Mechanical exhaust ventilation plan
  - Transport vehicle details
  - Premises layout detailing:
    - Details, position and size of all plumbing fixtures
    - Details, position and size of food preparation benches
    - Details, position and size of exhaust canopies
    - Details of all surface finishes (floors, walls, ceilings and bench surfaces)
    - Details of all surface joining methods
    - Details, position and specifications of all food preparation equipment
- Floor area used for the activity*: must be no greater than 50m<sup>2</sup> and new buildings must also comply with additional requirements contained in the Cloncurry Shire Council Planning Scheme.
- Permitted external employee number*: (i.e. employees who do not live on the premises): one person only.



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- Visitors/clients:* by appointment only. No more than 10 in any day and no more than two in any one hour period.
- Operating hours:* maximum 7.30 am to 5.00 pm Monday to Saturday (excluding public holidays).
- Signage:* one sign permitted at a size of no greater than 0.5m<sup>2</sup>, and must not be illuminated.
- Visible goods:* no storage or display of goods or other materials associated with the activity are to be visible from beyond the site.
- Car parking facilities:* maximum of one parking space for an employee or person engaged in the activity who does not reside at the premises (if applicable) and an additional two parking spaces if the activity attracts visitors or clients to the site. Can be on-site or on the street directly outside the premises. Any street parking must be legal. No footpath parking permitted.

## Further Information

For further information on determining if you require Planning approval or licence or food safety program under the Act, contact Council:

By email: [council@cloncurry.qld.gov.au](mailto:council@cloncurry.qld.gov.au)  
By post: Mail to Cloncurry Shire Council, PO Box 3, CLONCURRY QLD 4824  
By fax: (07) 47 421 712  
In person: At Cloncurry Shire Council Administration Centre, 38-46 Daintree Street, Cloncurry  
Enquiries: (07) 4742 4100