

## Home-based Food Business

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### INTENT

This policy outlines the requirements for an approved Home-Based Food Business (HBFB) to operate under the state Food Act 2006 (the Act) within Weipa Town Authority (WTA). The application of this policy allows WTA to continue to meet its obligations under the Act and Weipa Town Planning Scheme and to ensure the preparation and sale of safe food to the residents and visitors of Weipa.

WTA has a responsibility under the Act to regulate the preparation and sale of food primarily through a licensing regime which includes the granting of a licence to an operator for a fixed time period (usually 1 year) and subject to operating conditions.

WTA currently regulate and licence, where necessary, the following activities:

- fixed food premises e.g., cafes, restaurants
- temporary food stalls- e.g., preparation and sale of food at markets or on other WTA land
- mobile food vans for use at events and selected WTA sites

This policy extends the existing approval and licensing program for food premises to include home based food businesses and places limitations on both the type and scale of food preparation that can occur in a domestic or residential setting.

### SCOPE

This policy establishes the licensing requirements under the Act for a domestic premises that is used to prepare food for sale. A licence under the Act will only be granted for a home-based food business at a domestic or residential premises with a domestic kitchen in the following limited circumstances:

- the making of only one line of non-potentially hazardous food (ie food that does not require to be kept under temperature control to ensure its safety, for example, cakes (without cream) and biscuits or fudge and chocolate or jams and chutneys and preserves or roasting and salting nuts or popcorn; AND
- where the sale of the food being made is not associated with a wholesale business. (i.e., is not made for supply to other retailers).

The following types of food operations are out of the scope of this policy:

- fixed food premises operating from a commercial grade kitchen
- mobile food vans or trucks
- temporary food stalls
- food prepared in a domestic or residential premises for sale by a not-for-profit organisation.

Any Home-Based Food Business will need to satisfy the assessment criteria within the Home-based business code (S.8.2.3-Weipa Town Planning Scheme)

## DEFINITIONS

**Domestic kitchen** – a kitchen generally found within a domestic or residential dwelling and characterised by fixtures and fittings usually of a reduced standard, grade or scale to that found within a commercial kitchen.

**Home-based Food Business (HBFB)** – where an operator uses a domestic-style kitchen within a domestic or residential premise to prepare food for sale

**Non-potentially Hazardous Food** – food where the finished product does not require temperature control to minimise the growth of pathogenic micro-organisms or to prevent the formation of toxins in the food. E.g., cakes (without cream) and biscuits or fudge and chocolate or jams and chutneys and preserves or roasting and salting nuts or popcorn.

**Potentially Hazardous Food** – food where the finished product must 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. E.g., raw and cooked meat or foods containing meat, such as casseroles, curries and lasagne; dairy products, for example, milk, custard and dairy-based desserts.

**Wholesale** – to sell a food item in quantity to a person usually for the purpose of resale, e.g., selling specialty cupcakes to a bakery for retail sale.

**WTA** – Weipa Town Authority.

## LEGISLATION/COMPLIANCE

Food Act 2006 (Qld)

Australia New Zealand Food Standards Code

Food Safety Standards

## RELATED DOCUMENTS

POL-006 Trade Waste Policy

POL-025 Use of WTA Lands and Roads for Commercial Purposes

Weipa Town Planning Scheme 2019

## FURTHER INFORMATION

Communities Supervisor

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## POLICY

### 1. Obtaining a HBFB food licence

The Food Act 2006 allows for the granting of a food licence for a home-based food business (HBFB). A food licence issued by WTA is required for any domestic or residential premise that is used to prepare food for sale. A licence must be obtained before commencing an activity. The licence is issued following an assessment of information provided by the applicant (application phase), for a set period, usually a maximum of 1 year (licence period), and with conditions on the operation of the activity (licence conditions).

A licence for a HBFB will **only** be considered in the following circumstances:

- the making of only one line of non-potentially hazardous food, and
- where the sale of the food being made is not associated with a wholesale business. (i.e., is not made for supply to other retailers).

The following licence conditions may apply to the food licence:

- A separate area or clearly identifiable containers must be used for the storage of all ingredients;
- Separate and clearly identifiable utensils must be utilised for the manufacture and preparation of food for sale;
- A separate fridge and freezer is recommended otherwise clearly identified storage containers must be used to separate food for sale from domestic items;
- A separate storage area or clearly identifiable containers must be used for the storage of all final products;
- Household pets must be able to be excluded from the kitchen while food is being prepared; and
- Pest protection to windows and doors should be installed.

An applicant may be required to provide confirmation that the proposed food type is non-potentially hazardous food.

WTA may impose other conditions as it considers necessary.

Any person preparing the food will need to show they have the necessary experience, skills and knowledge in food safety.

An applicant will be required to submit information on the type, scale and location of the HBFB. This will include information on where food will be stored and prepared, and how it is transported.

Fees will apply to the assessment of a new application and to the annual licence.

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## 2. Use of a domestic or residential dwelling

The granting of a licence for the operation of a HBFB allows a domestic or residential premises to be approved for the preparation of food for sale. Without a HBFB approval, or other written approval, no part of a domestic or residential premises should be used in connection with an existing licenced food business.

The following examples apply:

- For a licenced mobile food van or temporary food stall, the residential premises associated with the licenced van or stall should not be used for the cleaning or sanitising of equipment from the licenced van or stall. All cleaning must take place within the licenced van or stall.
- The licenced operator of a café shall not cook food items at their residential premises and then transport them to their café for sale. Food for sale shall only be prepared in a licenced food premises.

## 3. Non-compliance and Enforcement

There are a range of offences listed within the Act including, but not limited to:

- preparing food for sale from a domestic or residential premises without first seeking approval for and obtaining a licence;
- failing to operate the licenced food premises in accordance with the conditions granted with the licence;
- continuing to operate a food premises without a current licence e.g., where the licence has expired or been cancelled.

The Act gives WTA powers to act where there is a breach of the Act or a breach of operating conditions. These powers include:

- verbal or written warnings,
- issuing a statutory notice,
- a financial penalty, or
- suspending or cancelling the licence

WTA places a high priority on supporting the Weipa community and small business and will always provide advice and education on how to comply with the Act. Verbal and written warnings are given prior to escalating enforcement action.

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