

Standard 3.2.2A – Guideline for businesses

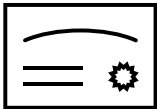
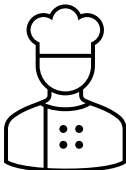

Recent changes to the Food Standards Code introduced new food safety requirements for food businesses in NSW that handle and serve unpackaged, ready-to-eat food that requires temperature control.

The changes apply to most sectors from **8 December 2023**.

School canteens, children's services that supply food, supermarkets, greengrocers, delis, coffee vendors (that sell potentially hazardous, unpackaged, ready-to-eat food), correctional centres and boarding schools have until **8 December 2024** to comply.

The requirements

Standard 3.2.2A of the Australia New Zealand Food Standards Code introduces 3 mandatory food safety management tools for food businesses, depending on their food handling activities:

<div style="text-align: center;">  </div> <p>1. Food Safety Supervisor</p> <p>A business must have a Food Safety Supervisor who:</p> <ul style="list-style-type: none"> • is qualified • can give advice to employees who handle food. <p><i>See page 5</i></p>	<div style="text-align: center;">  </div> <p>2. Food handler training</p> <p>All staff who handle food must have appropriate skills and knowledge of food safety and hygiene.</p> <p><i>See page 7</i></p>	<div style="text-align: center;">  </div> <p>3. Showing food is safe</p> <p>A business must be able to show their food is safe by:</p> <ul style="list-style-type: none"> • demonstrating safe food handling practices <p>OR</p> <ul style="list-style-type: none"> • keeping records. <p><i>See page 8</i></p>
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In NSW, local councils inspect most retail food businesses under the Food Regulation Partnership with the NSW Food Authority.

The Food Authority is encouraging councils to initially take an educative approach while businesses adjust to the new requirements.

Who the requirements apply to

The Standard applies to food businesses that sell or serve food that is:

- not sold or served in its original package
- potentially hazardous (requires temperature control), and
- ready-to-eat.

Affected businesses include:



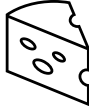





 <p>Restaurants, cafes, caterers</p>	 <p>Takeaways, school canteens, bakeries, mobile food vendors</p>	 <p>Supermarkets, delis, convenience stores, seafood retailers</p>	 <p>Children’s services that provide meals</p>
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For the Standard to apply to a business, there must be a ‘sale’ of food. Under the Food Standards Code, the definitions of ‘sell’ and ‘sale’ are broad and include providing food under a contract of service (whether or not it is with the consumer), giving food away to further trade, and supplying food to patients or inmates. It can also include food that has been won or provided as a reward.

Potentially hazardous foods

Potentially hazardous foods have certain characteristics that support the growth of bacteria, or the production of toxins, and must be kept at 5°C or colder, or 60°C or hotter, to stay safe to eat.

Examples of potentially hazardous, ready-to-eat food include:

 <p>Cooked meat and poultry</p> <p>Deli meat, burgers, curries, kebabs, pâté, meat pies</p>	 <p>Foods with eggs, beans and nuts</p> <p>Quiche, aioli, mayonnaise, mousses, tofu</p>	 <p>Dairy and foods containing dairy</p> <p>Milk, dairy desserts, fresh cream, custard, cheese</p>	 <p>Cooked rice and pasta</p> <p>Fried rice, plain rice, spaghetti, carbonara, lasagne</p>
 <p>Seafood</p> <p>Sushi, prawns, fish, mussels, oysters, shellfish</p>	 <p>Sprouted seeds</p> <p>Alfalfa sprouts, clover sprouts, chickpea sprouts</p>	 <p>Cut fruits and vegetables</p> <p>Cut melon, salads, pre-cut fruit trays</p>	 <p>Foods containing potentially hazardous foods</p> <p>Sandwiches, pizzas, rice rolls.</p>

Categories under the Standard

Standard 3.2.2A classifies businesses into 2 categories, depending on their activities.

If a business engages in the activities of both a category one and category two business, it is deemed a category one business. The requirements are based on the business's highest risk activities, and are designed to strengthen its food safety management.

Category one businesses

Category one businesses **process** potentially hazardous food into a food that is ready-to-eat **and** potentially hazardous and serve it to consumers.

Processing means chopping, cooking, drying, fermenting, heating, thawing and washing, or a combination of these.

Category one businesses must implement all 3 tools:

- have a qualified onsite Food Safety Supervisor
- ensure all food handlers are trained in food safety and hygiene or can demonstrate adequate skills and knowledge
- be able to show their food is safe.



Examples of category one businesses include:

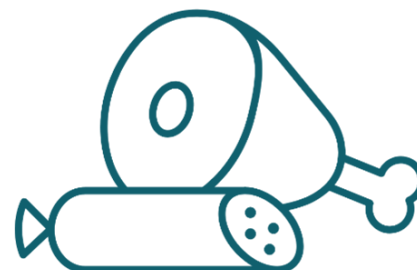
- A dine-in restaurant that processes vegetables and raw meats into salad and cooked meat. The food is served ready-to-eat to consumers onsite.
- A takeaway shop makes and serves hot chickens, salads, hot chips and gravy and other takeaway foods for consumption off-site.
- A caterer makes sandwich platters in their central kitchen then delivers to consumers at offices and other functions for immediate consumption.
- A mobile food vendor cooks and cools a fried rice dish, containing cooked rice, vegetables and egg at their base kitchen. The product is then packaged into individual serves and transported to the site where the food is reheated and served to consumers.
- A bakery makes and sells meat pies, sausage rolls, custard tarts, quiches, fresh cream buns and other potentially hazardous foods onsite, for consumption both on and off-site.
- A training centre prepares buffet-style meals onsite for training participants from many different organisations using their facilities. They are providing hot and cold potentially hazardous food that is ready to eat as part of the training fee of the participant.
- Children's services that process and serve meals as part of their service.

Category two businesses

Category two businesses serve unpackaged, potentially hazardous, ready-to-eat food they have not made themselves. The business might remove packaging before serving, or receive the food unpackaged (for example, from a caterer). These businesses **only** slice, weigh, repack, reheat or hot-hold the food, but do not process it in any other way.

Category two businesses must implement tools 1 and 2 in the Standard:

- have a qualified onsite Food Safety Supervisor
- ensure all food handlers are trained in food safety and hygiene or can demonstrate adequate skills and knowledge.



Examples of category two businesses

- A supermarket delicatessen section receives ready-to-eat salads in a bulk bag to portion and serve. The bag is opened and the salad placed into a container in a refrigerated display unit, where customers can pick an amount to be weighed and packaged for them by delicatessen staff. In this example the food is received by a retailer, is potentially hazardous and ready-to-eat. The food was received in a package but was unpackaged by the business before being sold to the consumer, but the food was not made or processed onsite, other than being weighed and repackaged.
- A service station receives packaged pies, pasties and sausage rolls from the local bakery. The service station unpackages these products, reheats them and then hot holds them in a display oven. The products are placed into a bag for sale to the consumer. In this example, the food has been unpackaged by the business, but not further processed other than being reheated and hot held. Note: if the bakery products were kept in their original packaging, the service station would not be a category two business (it would be exempt from the standard), because the food it handled was not unpackaged.

Exclusions

Standard 3.2.2A does **not** apply to:

- the handling or sale of food for the purpose of raising funds solely for community or charitable causes
- providing food free to the community
- food businesses licensed with the NSW Food Authority
- businesses that only manufacture or wholesale food (such as a manufacturer of bulk ham that is sold packaged to supermarkets) with no direct sale to consumers. Other food safety arrangements will apply to these businesses
- food businesses that are not serving or selling unpackaged food that is potentially hazardous and ready to eat
- coffee vendors where the only activity with unpackaged, potentially hazardous food is heating milk for immediate consumption
- children's services where their only food handling is occasional cooking experiences with children, conducted as an educational activity
- children's services where parents provide the food for children, not the business.

Tool 1 – Food Safety Supervisor

The Food Safety Supervisor (FSS) requirement is not new in NSW – many businesses are already required to appoint at least one per premises. Standard 3.2.2A is modelled on the existing NSW Food Safety Supervisor (FSS) program, operational for 13 years, and rolling it out nationwide.

An FSS is someone associated with the business who is certified to have skills and knowledge in food safety, especially around high-risk foods.

Appointing an FSS gives food businesses a better level of onsite protection for food safety.

Food Safety Supervisors:

 <p>Oversee day-to-day food handling</p>	 <p>Ensure food safety risks are managed</p>	 <p>Share skills and knowledge</p>	 <p>Promote positive food safety practices</p>
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Already have a Food Safety Supervisor?

Food businesses that already have a Food Safety Supervisor with a valid certificate will not need to do anything to meet the Food Safety Supervisor requirement under Standard 3.2.2A. We recommend these businesses check the expiry date on the certificate - the business owner has 30 days from the date of expiry to either recertify or appoint a new FSS.

How to become a Food Safety Supervisor

FSS training is delivered by approved Registered Training Organisations (RTOs). There are 2 learning pathways to achieve FSS certification – hospitality and retail. Staff can qualify to be an FSS through either pathway.

Training is delivered online, face-to-face, in the workplace, or a combination, and can generally be completed in one full day. Course costs are set by individual RTOs and range from \$99 to approximately \$200.

Certification is valid for 5 years, after which the business has 30 working days to ensure their appointed FSS completes recertification training with an approved RTO.

Who should be the Food Safety Supervisor

Businesses nominate their own Food Safety Supervisor – they must have the authority and ability to manage and give direction on the safe handling of food. It should be someone regularly involved in food handling activities and may be the business owner, manager, or an employee (such as a chef).

They oversee the handling of potentially hazardous foods and can be easily contacted when necessary.

Larger businesses may choose to certify more than one FSS to cover shift work and leave.

Steps to complying with the Food Safety Supervisor requirement

1. Choose who will be the FSS for organisation.
2. The chosen FSS completes the training and assessment through an approved RTO.
3. The FSS receives a Statement of Attainment and a NSW FSS certificate. A copy of the certificate must be kept on the business premises.
4. If the FSS leaves the business, the business has 30 days where food is handled and sold to ensure another FSS is certified and/or appointed.
5. After 5 years, the FSS completes recertification training and assessment for an updated NSW FSS certificate and an updated Statement of Attainment for the required units of competency.

More information on this tool is available on the Food Authority website:

- [Food Safety Supervisors](#)
- [Approved training providers](#)
- [Guideline to Food Safety Supervisor requirements \(pdf 555KB\)](#)



Figure 1. An example of the Food Safety Supervisor certificate.





Tool 2 – Food handler training

Under the Standard, food businesses handling and serving unpackaged, potentially hazardous food, must ensure their food handlers have appropriate skills and knowledge in food safety and hygiene. This is different to the Food Safety Supervisor requirement.

Businesses can choose how food handlers are trained. They may use or recognise free online food safety training programs, past experience, internal training tailored to suit their own procedures, or courses from vocational training providers.

Additional training is not needed if food handlers can already demonstrate adequate skills and knowledge for their duties.

If opting for food handlers to undertake a food handler training course, it must cover:

 <p>Safe handling of food</p> <p>Temperature control for potentially hazardous food, understanding the temperature danger zone</p>	 <p>Food contamination</p> <p>Strategies to separate raw and cooked food, allergen management, food storage, and use of separate utensils and chopping boards</p>	 <p>Cleaning and sanitising</p> <p>Correct procedures for cleaning then sanitising, using food-safe chemicals and/or heat as a sanitiser</p>	 <p>Personal hygiene</p> <p>Obligations for sick employees, handwashing, uniforms and grooming of hair, nails and skin.</p>
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Free training available

The NSW Food Authority's free online Food Handler Basics training course can help businesses meet their food handler training obligations under Standard 3.2.2A of the Food Standards Code.

The interactive short course covers the basic knowledge required. Please note: It is not the same as Food Safety Supervisor training, which is delivered by approved registered training organisations as nationally accredited training.

- [Access the free Food Handler Basics training](#)

Steps to complying with the food handler training requirement

1. Check whether your food handlers have an adequate understanding of the above topics. You may wish to refer to the [factsheets on the Food Authority website](#).
2. Set aside at least 1 hour for each food handler who requires training to complete the Food Authority's free Food Handler Basics course, or develop and deliver in-house training.
3. It is recommended businesses keep a record of the training food handlers have completed to show authorised officers on request.


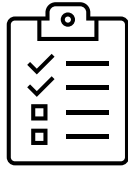
For more information on this tool, see [Food Handler Basics training](#).

Tool 3 – Showing your food is safe

Businesses that undertake higher risk food handling need to be able to demonstrate safe food practices under Standard 3.2.2A of the Code. This is to ensure food businesses are actively monitoring and managing key food safety risks related to food temperature control, food processing, and cleaning and sanitising, which are critical for food safety.




Who it applies to





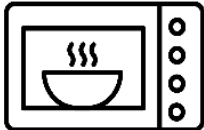

This requirement applies to businesses that process potentially hazardous food into a food that is ready-to-eat and potentially hazardous, and serve it to consumers. “Process” is defined as chopping, cooking, drying, fermenting, heating, thawing and/or washing. This requirement can be met by either:

 <p>Being able to demonstrate safe food handling practices</p>	<p>OR</p>	 <p>Keeping records</p>
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What needs to be shown?

Businesses must be able to show they are monitoring and managing the following (where applicable):

Activity	Food safety requirement
<p>Receipt</p> 	<p>A food business must take all practicable measures to ensure it only accepts on delivery PHF at a temperature of:</p> <ul style="list-style-type: none"> • 5°C or below; or • 60°C or above, unless the food business transporting the food demonstrates that the temperature of the food will not adversely affect the microbiological safety of the food due to the time taken to deliver it. <p>What needs to be shown: The temperature of PHF when received OR the time arrangement with the supplier showing that food safety has not been adversely affected during food transport.</p>
<p>Storage</p> 	<p>A food business must, when storing PHF, store it under temperature control.</p> <p>What needs to be shown: The temperature of PHF during storage.</p>
<p>Display</p> 	<p>A food business must, when displaying PHF, display it under temperature control.</p> <p>What needs to be shown: That PHF is displayed at 5°C or below; or 60°C or above, or total time out of temperature control does not exceed 4 hours (2 hr/4 hr rule).</p>

<p>Transport</p> 	<p>A food business must, when transporting food, transport PHF under temperature control.</p> <p>What needs to be shown: That PHF is transported at 5°C or below; or 60°C or above, or total time out of temperature control does not exceed 4 hours (2 hr/4 hr rule).</p>
<p>Pathogen reduction during food processing (cooking)</p> 	<p>A food business must, when processing food, where a process step is needed to reduce to safe levels any pathogens that may be present in the food – use a process step that is reasonably known to achieve the microbiological safety of the food.</p> <p>What needs to be shown: That a pathogen reduction or killing step has been used on PHF to achieve safety of the food (destroy pathogens potentially present). See Processing food safely for guidance.</p>
<p>Minimising time during food processing</p> 	<p>A food business must, when processing PHF that is not undergoing a pathogen control step, ensure that the time the food remains at temperatures that permit the growth of infectious or toxigenic microorganisms in the food is minimised.</p> <p>What needs to be shown: The time that ready-to-eat PHF is in the temperature danger zone (between 5°C and 60°C) is minimised and does not make the food unsafe (see the 2-hour/4hour rule).</p>
<p>Cooling food</p> 	<p>A food business must, when cooling cooked PHF, cool the food:</p> <ul style="list-style-type: none"> • within 2 hours – from 60°C to 21°C; and • within a further 4 hours – from 21°C to 5°C unless the food business demonstrates that the cooling process used will not adversely affect the microbiological safety of the food. <p>What needs to be shown: That cooked potentially hazardous food has cooled to prescribed temperatures within the required timeframes.</p>
<p>Reheating food</p> 	<p>A food business must, when reheating previously cooked and cooled potentially hazardous food to hold it hot, use a heat process that rapidly heats the food to a temperature of 60°C or above, unless the food business demonstrates that the heating process used will not adversely affect the microbiological safety of the food.</p> <p>What needs to be shown: That cooked and cooled PHF is reheated rapidly (within 2 hours) to 60°C or above.</p>
<p>Cleaning and sanitising</p> 	<p>A food business must ensure the following equipment is in a clean and sanitary condition in the circumstances set out below:</p> <ul style="list-style-type: none"> • eating and drinking utensils - immediately before each use; and • the food contact surfaces of equipment - whenever food that will come into contact with the surface is likely to be contaminated. <p>What needs to be shown: That eating and drinking utensils and food contact surfaces have been cleaned and sanitised when required (see Cleaning and sanitising surfaces and utensils (PDF, 384KB)).</p>

Keeping records

Records are one way food businesses can demonstrate they are managing food safety risks. Examples of records include writing on invoices or templates, photos or footage, data logger information, and verified written instructions, such as a validated recipe or standard operating procedure (SOP).

Records should include the date (and time, if appropriate) and the food or activity it relates to. Records should be made each day the business handles unpackaged potentially hazardous food, unless it can be shown in another way requirements are being met. Once made, records must be kept for 3 months.

It is not mandatory to keep records to comply with Standard 3.2.2A if staff can show they know how to monitor temperature and effectively clean and sanitise.

Please note: It is strongly recommended that food businesses who prepare and sell food containing raw egg and sushi continue to follow the relevant guidelines and retain records to ensure these high-risk foods are prepared safely. For more information on the guidelines, see:

- [Safe use of raw egg products](#)
- [Food safety guidelines for the preparation and display of sushi \(PDF, 522 KB\)](#)

Free templates available

Free food safety template examples for record keeping are available on the Food Authority website to help category one businesses show their food is safe. Visit the [Showing food is safe page](#).

Demonstrating safe practices

Records are not needed if the business can show in another way it has adequately managed food safety risks.

This could include having a written instruction sheet or standard operating procedure, and/or being able to walk and talk an authorised officer through their food handling practices and processes.

Steps to complying with the showing food is safe requirement

- Keep records of important food safety information, including how you have safely received, stored, processed, displayed, and transported potentially hazardous food, and cleaned and sanitised, **or**
- Have a written instruction sheet or standard operating procedure that is followed for each of the required activities, **or**
- Ensure food handlers can demonstrate safe food handling practices and processes to an authorised officer.

For more information on this tool, see [Standard 3.2.2A – showing food is safe](#).

More information

- Visit the Food Authority website:
 - foodauthority.nsw.gov.au/safetytools
 - [Standard 3.2.2A - Frequently asked questions](#)
 - [Standard 3.2.2A - quiz for businesses](#)
- Email food.contact@dpird.nsw.gov.au
- Phone 1300 552 406

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