

Food Standards (Proposal P1053 – Food Safety Management Tools) Variation

The Board of Food Standards Australia New Zealand gives notice of the making of this Standard under section 92 of the *Food Standards Australia New Zealand Act 1991*. The Standard commences on a date 12 months after the date of gazettal.

Dated 1 December 2022



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Delegate of the Board of Food Standards Australia New Zealand

Note:

This Standard will be published in the Commonwealth of Australia Gazette No. FSC 8 on December 2022. This means that this date is the gazettal date for the purposes of the above notice.

Standard 3.2.2A Food Safety Management Tools

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 This Standard applies in Australia only.

3.2.2A—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 3.2.2A – Food Safety Management Tools*.

Note Commencement:

This Standard commences on a date that is 12 months after the date of gazettal, being the dates specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

3.2.2A—2 Definitions

In this Standard:

category one business—see 3.2.2A—6.

category two business—see 3.2.2A—7.

food safety supervisor means a person who:

- (a) holds a food safety supervisor certificate that has been issued within the immediately preceding period of 5 years; and
- (b) has the authority and ability to manage and give direction on the safe handling of food.

food safety supervisor certificate means certification as a food safety supervisor by:

- (a) a registered training organisation; or
- (b) an organisation recognised by the *relevant authority under the application Act.

food safety training course means training in food safety that includes training in each of the following:

- (a) safe handling of food; and
- (b) food contamination; and
- (c) cleaning and sanitising of food premises and equipment; and
- (d) personal hygiene.

potentially hazardous food means food that has to be kept at certain temperatures to:

- (a) minimise the growth of any pathogenic microorganisms that may be present in the food; or
- (b) prevent the formation of toxins in the food.

prescribed activity—see 3.2.2A—5.

process, in relation to food, means activity conducted to prepare food for sale and includes chopping, cooking, drying, fermenting, heating, thawing and washing, or a combination of these activities.

ready-to-eat food means food that is ordinarily consumed in the same state as that in which it is sold, but does not include:

- (a) nuts in the shell; or
- (b) whole, raw fruits; or
- (c) vegetables that are intended for hulling, peeling or washing by the

consumer.

Note 1 In this Code (see section 1.1.2—2):

application Act means an Act or Ordinance of a *jurisdiction under which the requirements of this Code are applied in the jurisdiction.

authorised officer, in relation to a jurisdiction, means a person authorised or appointed under an application Act or other legislation of the relevant *jurisdiction for the purposes of enforcement of a provision of the relevant application Act, or for purposes that include that purpose.

caterer means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

fund raising event means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

jurisdiction means a State or Territory of Australia, the Commonwealth of *Australia*, or *New Zealand*.

relevant authority means an authority responsible for the enforcement of the relevant application Act.

Note 2 In this Chapter (see clause 2 of Standard 3.1.1):

food business means a business, enterprise or activity (other than primary food production) that involves –

- (a) the handling of food intended for sale; or
- (b) the sale of food;

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

food premises means any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats, pontoons and any other place declared by the relevant authority to be premises under the Food Act kept or used for the handling of food for sale, regardless of whether those premises are owned by the proprietor, including premises used principally as a private dwelling, but does not mean food vending machines or vehicles used only to transport food.

handling of food includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

3.2.2A—3 Application of this Standard

- (1) This Standard applies to a food business in Australia that is a category one business or a category two business.
- (2) This Standard does not apply to the handling of food for or at a *fund raising event.

3.2.2A—4 Food service

- (1) For the purposes of this Standard, **food service** means a food business which processes and serves ready-to-eat food direct to a consumer, whether consumed at the food premises or elsewhere.
- (2) For the purposes of subsection (1), **serve** means the act of setting out or presenting food to or for a person to eat that food and includes the following activities:
 - (a) portioning food from a bulk tray or container into single serves and placing it on plates; or
 - (b) presenting food in a bain-marie or other bulk food display unit for self-service; or
 - (c) delivery of plated food.

3.2.2A—5 Prescribed activities

For the purposes of this Standard, a prescribed activity is the handling by the food business of any unpackaged potentially hazardous food that:

- (a) is used in the preparation of ready-to-eat food to be served to a consumer; or
- (b) is ready-to-eat food intended for retail sale by that business.

3.2.2A—6 Category one business

For the purposes of this Standard, a **category one business** means a food business that:

- (a) is a *caterer or a food service; and
- (b) processes unpackaged potentially hazardous food into a food that is:
 - (i) potentially hazardous food; and
 - (ii) ready-to-eat food.

3.2.2A—7 Category two business

For the purposes of this Standard, a **category two business** means a food business that offers for retail sale a food that is:

- (a) potentially hazardous food; and
- (b) ready-to-eat food; and

where that food:

- (i) was received unpackaged by the food business or was unpackaged by the food business after receipt; and
- (ii) was not made or processed (other than slicing, weighing, repacking, reheating or hot-holding the food) by the food business.

3.2.2A—8 Food safety management tools required for category one businesses

A category one business must comply with sections 3.2.2A—10, 3.2.2A—11 and 3.2.2A—12.

3.2.2A—9 Food safety management tools required for category two businesses

A category two business must comply with sections 3.2.2A—10 and 3.2.2A—11.

3.2.2A—10 Food safety training for food handlers engaged in a prescribed activity

The food business must ensure that each food handler who engages in a prescribed activity has, before engaging in that activity:

- (a) completed a food safety training course; or
- (b) skills and knowledge of food safety and hygiene matters commensurate with that specific prescribed activity.

3.2.2A—11 Supervision of food handlers

The food business must:

- (a) appoint a food safety supervisor before engaging in a prescribed activity; and
- (b) ensure that the food safety supervisor is reasonably available to advise and supervise each food handler engaged in that prescribed activity.

3.2.2A—12 Substantiating food safety management of prescribed activities

- (1) Subject to subsection (3), if the food business engages in a prescribed activity, the food business must make a record that substantiates any matter that the prescribed provisions require in relation to that prescribed activity.
- (2) The food business must keep a record required by subsection (1) for 3 months after the business makes the record.
- (3) Subsection (1) does not apply to a food business that can demonstrate to the reasonable satisfaction of an *authorised officer on request that the business has complied with each of the prescribed provisions.
- (4) For the purposes of this section, the prescribed provisions are the following

provisions of Standard 3.2.2:

- (a) subclause 5(3);
- (b) paragraph 6(2)(a);
- (c) paragraph 7(1)(b)(ii);
- (d) subclause 7(2);
- (e) subclause 7(3);
- (f) subclause 7(4);
- (g) paragraph 8(5)(a);
- (h) paragraph 10(b); and
- (i) clause 20.