

## Standard 3.2.2A – Frequently asked questions

*Food service, caterer and related retail businesses in Australia need to meet new food safety requirements in the Australia New Zealand Food Standards Code (the Code) from 8 December 2023.*

*School canteens, children's services that supply food, supermarkets, greengrocers, delis, coffee vendors that sell food, correctional centres and boarding schools have until **8 December 2024** to comply.*

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### What are the new requirements?

The Standard has 3 tools food businesses are required to implement, depending on their activities:

1. Food Safety Supervisor
2. Food handler training
3. Be able to show food is safe.

Category one businesses must implement all three tools. Category two businesses must implement tools 1 and 2 only.

Many businesses are already required to have a Food Safety Supervisor under the NSW Food Act. This will continue under 3.2.2A. These businesses will need to ensure staff who handle unpackaged, potentially hazardous food have appropriate skills and knowledge in food safety and hygiene and, if they conduct higher-risk activities, be able to show they are managing key food safety risks.

For other businesses, all the requirements are new, such as for school canteens, children's services, boarding schools, delicatessens, greengrocers, supermarkets, coffee vendors that sell potentially hazardous, unpackaged, ready-to-eat food, and correctional centres.

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### Who do the new requirements apply to?

The Standard applies to all food businesses that handle unpackaged, ready-to-eat food that is potentially hazardous, in the final stages before consumers eat it.

A food business 'sells' food or handles food intended for sale. 'Sell' is very broad and includes providing food under a contract of service (whether or not the contract is with the consumer), giving food away to further trade, and supplying food to patients or inmates in public institutions. It can also include food that has been won or provided as a reward.

A food business may be a commercial, charitable or community enterprise or activity, or involve the handling or sale of food on one occasion only. It does not include primary food production.

General examples of affected businesses include:

- restaurants, cafés, pubs and hotels
- takeaway shops, mobile food vendors, juice bars and coffee vendors
- caterers that serve food directly to consumers
- supermarkets and delis
- childcare services that provide food.

In NSW, a range of business types were previously exempt from the Food Safety Supervisor requirement. These businesses have until **8 December 2024** to comply with the new requirements:

- school canteens
- children’s services, including out of school hours care
- correctional centres
- delicatessens
- supermarkets
- greengrocers
- coffee vendors that sell unpackaged, potentially hazardous, ready-to-eat food
- boarding schools.

[Take our short quiz](#) to find out if the new requirements apply to your business and how.

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## Are there any exemptions?

1. The handling or sale of food for the purpose of raising funds solely for community or charitable causes, and providing food free to the community.
  2. Businesses licensed with the NSW Food Authority.
  3. Businesses that only manufacture or wholesale food (for example a manufacturer of bulk ham that is sold packaged to supermarkets) with no direct sale to consumers. Other food safety requirements will apply to these businesses.
  4. Other food businesses that are not serving or retailing unpackaged food that is potentially hazardous and ready to eat (for example service stations selling food that remains in its original sealed packaging, coffee van that only sells food that is not potentially hazardous).
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## Does Standard 3.2.2A apply to businesses that have a NSW Food Authority licence?

Standard 3.2.2A Food Safety Management Tools does not apply to businesses that have a NSW Food Authority licence. This is because licensed businesses must meet the requirements of Standard 3.2.1 Food Safety Programs, which match or exceed those in Standard 3.2.2A. The existing food safety management program, which is a requirement of the licence, should outline controls that effectively control food safety hazards for the business.

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## What are potentially hazardous foods?

Potentially hazardous foods need special handling to keep them safe and specific food standards apply. This is because, if not kept cold, bacteria that produce toxins or cause illness can grow. The simplest and most effective way of controlling the growth of bacteria is proper temperature control. Potentially hazardous foods include:

- raw or cooked meat
- smallgoods
- dairy products
- seafood (excluding live seafood)
- processed fruit and vegetables
- cooked pasta and rice
- foods containing eggs, beans, nuts or other protein-rich foods.

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## How do I know if I am category one or two?

### Category one - businesses that process and serve food

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, and
- 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 on-site.
- A mobile food vendor that 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 that makes and sells custard tarts, quiches, fresh cream buns and other potentially hazardous foods, for consumption both on-site and off-site.
- A takeaway shop that makes and serves hot chickens, salads, hot chips and gravy and other takeaway foods for consumption off-site.
- A caterer that makes sandwich platters in their central kitchen then delivers to consumers at offices and other functions for immediate consumption.
- A training centre that prepares buffet-style meals on-site 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.
- Childcare centres that process and serve meals.

## Category two - businesses that sell or serve food not made by them

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 that 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.
- A service station that receives pre-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.
  - Note: if the bakery products were kept in their original sealed packaging, the service station would not be a category 2 business (it would be exempt from the standard), because the food it handled was not unpackaged.

Take [our short quiz](#) to find out which category your business is and which tools apply.

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## Why are these changes being implemented?

In June 2018 the Australia and New Zealand Ministerial Forum on Food Regulation found the highest proportion of foodborne illness outbreaks in Australia were from food service and retail businesses.

The changes aim to improve the skills and knowledge of food handlers and their supervisors, and to assist both businesses and enforcement agencies to identify failures in the management of potentially hazardous food more quickly and take appropriate action.

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## When do businesses need to implement the tools?

The requirements apply from 8 December 2023 for most businesses in NSW.

The following sectors have until 8 December 2024 to comply:

- school canteens
  - children's services that supply meals
  - delicatessens
  - greengrocers
  - supermarkets
  - coffee vendors that sell potentially hazardous, unpackaged, ready-to-eat food
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- correctional centres
  - boarding schools.
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## Will there be a cost to my business?

Yes. For businesses with good existing standards, the impact will be minimal however some investment will likely be needed so businesses meet the Standard 3.2.2A. This may include:

- paying for a food handler to complete Food Safety Supervisor certification, or employing a certified Food Safety Supervisor
  - providing time for food handlers to complete a food safety training course and/or making sure they have the appropriate skills and knowledge
  - developing training on processes, records, or making sure there are other ways to show that critical controls are monitored and managed.
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## 1. Food Safety Supervisor

### What if I already have a Food Safety Supervisor?

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

Businesses that already have an FSS will still need to ensure all food handlers are trained in food safety and be able to show their food is safe (if they are category one).

### What is a Food Safety Supervisor?

A Food Safety Supervisor (FSS) oversees day to day food handling operations, helps all food handlers to handle food safely and ensures food safety risks are managed.

They must be certified within the past 5 years and have skills and knowledge in food safety, especially around high-risk foods.

### How do you become an FSS?

To be an FSS you must achieve required units of competency and key focus areas from an approved Registered Training Organisation (RTO) and receive an FSS certificate.

- View the list of [approved training providers](#)
- View the [units of competency](#)

Once complete you will receive a statement of attainment for the units of competency, as well as a NSW Food Authority FSS certificate with a unique certificate number. NSW FSS certificates are valid for 5 years from the date of issue, after which they need to be renewed.

When an FSS certification expires, the business owner has 30 operational days, that is, 30 days that food is processed and sold at the business, to ensure a current FSS is appointed. `

- Read more in our [Food Safety Supervisor guideline](#)
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## Who should be an FSS?

The FSS is nominated by the owner of a food business and may be the business owner, manager, or an employee (for example, the chef). For a small business, it may be most appropriate for the business owner to be the FSS.

The FSS must have the authority and ability to manage and give direction on the safe handling of food. An FSS can only be the FSS for 1 food premises or mobile catering business at any one time.

## Does the FSS have to be at the business all the time?

No, although it is best practice for them to be on the premises while all food handling is undertaken.

If the FSS is away (for example not on shift, on leave or sick), the business must still maintain food safety.

Larger businesses that operate longer hours may choose to nominate several people to be trained and appointed as an FSS to help cover shift work and leave.

## 2. Food handler training

### What is food handler training and how do I access it?

Under the Standard, food businesses must ensure all staff who handle unpackaged, potentially hazardous, ready-to-eat food, have appropriate skills and knowledge of food safety and hygiene. This is different to the Food Safety Supervisor requirement. Additional training may not be needed if food handlers can already demonstrate adequate skills and knowledge for their duties.

Businesses may use free online food safety training programs, courses from vocational training providers, or training developed by the food business or other food businesses where the employee previously worked. Internal training may also be tailored to suit the business's own activities and procedures. You may wish to refer to the following factsheets:

- [Cleaning and sanitising for businesses](#)
- [Health and hygiene requirements for food handlers](#)
- [The 2-hour/4-hour rule](#)
- [Keep food separate](#)
- [Temperature control of potentially hazardous foods](#)
- [Allergy aware checklist](#)

If opting for a food safety training course, it must cover:

- **safe handling of food** - including temperature control measures for potentially hazardous food and understanding the temperature danger zone
- **understanding of food contamination** - including strategies to keep raw and cooked food separate, allergen management, food storage, and use of separate utensils and chopping boards
- **cleaning and sanitising of food premises and equipment** - including correct procedures for cleaning then sanitising, using food-safe chemicals, and/or using heat as a sanitiser
- **personal hygiene** - including obligations for sick employees, handwashing, uniforms and grooming of hair, nails and skin.

The NSW Food Authority's free online training module covers the basic requirements.

- See [Food Handler Basics training](#)

### How often should food handler training occur?

No specific timeframe or refresher period has been set. However, food businesses must ensure their food handlers' skills and knowledge are adequate and up to date. It is good practice to schedule regular refresher training.

Keeping a record of the training that food handlers have completed enables businesses to be sure everyone has completed it and can show authorised officers they have met the requirements.

### How is prior learning and experience recognised?

A business can recognise a food handler's prior learning and experience in the food industry, as long as it is relevant and current to the activities they do. Food handlers must be able to demonstrate safe food handling practices at all times

## 3. Showing food is safe

### What is the showing food is safe requirement?

Category one businesses must be able to show they are safely receiving, storing, processing, displaying and transporting potentially hazardous food, and cleaning and sanitising. Businesses can meet this requirement by:

- keeping records, and/or
- demonstrating safe food practices.

### What is a record?

A 'record' means a document or object that is kept for the information it contains or that can be obtained from it. Examples include writing on paper or electronic templates, and written instructions that have been verified, such as a validated recipe or standard operating procedure (SOP). Records can include:

- notes on invoices (such as the temperature of food received)
- data logger information in a graph
- photos or video footage
- information recorded in any other way and kept for the required amount of time.

If making records, the information should include the date (and time, if appropriate) the record was made and which food or activity it relates to.

Once made, records must be kept for 3 months.

The business should make records each day it is handling unpackaged potentially hazardous food, unless it can show in another way it is meeting the requirements.

More information, including templates to help businesses record food temperatures and cleaning and sanitising activities, is on the [Showing food is safe page](#).

### What does demonstrate safe practices mean?

A record may not be needed if the business can show in another way they have 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.



## What safe practices do I need to demonstrate or keep records for?

Category one businesses must show they are complying with the requirements in Standard 3.2.2 for:

- temperature control of food during receipt, for example daily deliveries that include fresh meat or frozen items that must remain frozen
- temperature control of food during storage - best practice is to record the displayed temperature readings on fridges and freezers
- using a pathogen reduction step (such as adequate cooking temperatures or pH) during food processing, which might include periodic recording of foods such as chicken to demonstrate regular monitoring of internal temperatures or recording the pH reading of in-house mayonnaise
- minimising the time potentially hazardous food is out of temperature control during processing – there should be a system for staff to monitor adherence to [the 2hr/4hr rule](#) (PDF, 806 KB)
- [cooling food within the specified timeframe](#) (PDF, 221 KB)
- rapidly reheating food that is going to be hot-held
- temperature control of food during display - best practice is to record the displayed temperature readings
- temperature control of food during transport - best practice is to record the displayed temperature readings
- cleaning and sanitising of food contact surfaces and equipment – records should indicate when this was done and by who throughout the day's service
- A written instruction sheet, standard operating procedure or being able to talk through these processes is sufficient evidence.

See [Showing food is safe](#) for more information.

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## How will this be enforced?

When your business is inspected by the local council, a council environmental health officer will monitor business compliance with the Standard during routine food safety inspections. The Food Authority is encouraging councils to initially take an educative approach to the new requirements while affected food businesses are in transition.

- Read more on [council inspections](#)

An authorised officer from the NSW Food Authority may also inspect your business as required.

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## What happens if I don't comply?

A graduated response is used to drive compliance. Businesses that do not comply can be subject to enforcement action. Actions increase in severity depending on the circumstances. For example: enforcement actions can range from warning letters through to prosecutions.

- [Read more on compliance](#)
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## Where can I find more information?

More information is on the [Food Standards Australia and New Zealand website](#).

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