

## Guideline to Food Safety Supervisor (FSS) requirements

November 2023



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## Why is a Food Safety Supervisor (FSS) required?

NSW and Australian food laws require certain businesses in the hospitality and retail food service sector to appoint at least one trained FSS per business premises.

These laws include the NSW Food Act and Regulation and the Food Standards Code.

The aim of the requirement is to prevent individuals from becoming ill from food poisoning as a result of incorrect handling and preparation of food.

Statistics show incorrect food handling practices in hospitality and retail businesses account for around 40-50% of foodborne illness outbreaks in NSW, costing the community hundreds of millions of dollars each year in healthcare and lost revenue.

Appointing an FSS gives food businesses a better level of onsite protection for food safety and gives consumers peace of mind when buying food in NSW.

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## Which businesses need a Food Safety Supervisor?

Under Standard 3.2.2A of the Food Standards Code, the FSS requirement applies to all businesses that handle food that is potentially hazardous (requires temperature control), is ready to eat, and is not sold or served in its original packaging. These businesses include:

- restaurants
- cafés
- takeaway outlets
- caterers
- bakeries
- pubs, clubs and hotels
- mobile food vendors and temporary market stalls.

From 8 December 2024 the FSS requirement also applies to:

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

The [Food Authority's quiz](#) can help businesses and organisations determine whether they require an FSS. See [foodauthority.nsw.gov.au/safetytools](http://foodauthority.nsw.gov.au/safetytools) for more information.

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## What is a Food Safety Supervisor?

A Food Safety Supervisor is a person who:

- is formally trained to recognise and prevent risks associated with food handling in food businesses

- holds a current NSW Food Authority FSS certificate (no more than 5 years old) as per the NSW Food Act Section 106B(1a)
  - is not an FSS for any other food premises or mobile catering business
  - trains and supervises other people in the business about safe food handling practices, and
  - has the authority and ability to manage and give direction on the safe handling of food.
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## Who can be a Food Safety Supervisor?

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

The FSS must have authority to supervise others in the business to ensure safe food handling occurs as per the Food Act 2003 –Section 106B(1c).

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## When do I have to appoint my Food Safety Supervisor?

Businesses must appoint an FSS from the time potentially hazardous, ready-to-eat food is first handled and sold. Contact your local council for more information on starting a food business.

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## How many Food Safety Supervisors do I need?

Businesses need to appoint at least 1 FSS per premises as per Food Act –Section 106B(1b).

Businesses with several premises cannot use the same FSS for each premises - they must nominate a different FSS for each premises.

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

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## Does the Food Safety Supervisor have to be at the business all the time?

No, although it is best practice that the FSS is on the premises at all times when food handling is undertaken. If the FSS is away, for example not on shift, on annual leave, or sick, the business must still maintain food safety. The FSS must facilitate this by:

- sharing food safety knowledge with other staff
- displaying signage and posters with key food safety messages
- developing work instructions that staff can follow to continue handling food safely. 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) such as a cleaning schedule.

Larger businesses or those 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.

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## Training and assessment requirements

Food Safety Supervisors need to complete training and assessment in units of competency within the Vocational Education and Training (VET) system. The legislation requires recertification training every 5 years – for more information see the FSS recertification section below.

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There are 2 pathways to choose from to achieve FSS certification, hospitality or retail, depending on the business type:

Two **hospitality** units:

- SITXFSA005 – Use hygiene practices for food safety
- SITXFSA006 – Participate in safe food handling practices

**OR**

One **retail** unit:

- SIRRFSA001 – Handle food safely in a retail environment.

Businesses should choose the units of competency that are more relevant to their business type (e.g. a fast food chain can be considered as a retail business; a restaurant or café can be considered as a hospitality business).

There is no requirement for the FSS to undertake units beyond the minimum competencies listed above.

The units of competency must incorporate mandatory key focus areas as determined by the NSW Food Authority and listed on its website. The current focus areas include allergen management, cleaning and sanitising, safe egg handling and Food Act offences. These key focus areas were developed in response to common high risk food safety issues in the retail and hospitality sectors.

Please note: SITXFSA001 and SITXFSA002 are no longer valid individual units of competency but can continue to be trained and assessed as part of a qualification or course that has an extended transition period with Australian Skills Quality Authority (ASQA). RTOs cannot train and assess old units of competency after the ASQA transition period ends.

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## Where can the FSS be trained?

Training will only be recognised if it is delivered by a Registered Training Organisation (RTO) that has been approved by the Food Authority to deliver Food Safety Supervisor training and issue NSW FSS certificates. Approved RTOs are listed on the [Food Authority's website](#). Businesses can also contact their local council to find out where the nearest approved RTO is.

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## What is an RTO?

A Registered Training Organisation (RTO) is registered by national and in some cases state and territory training authorities to deliver nationally recognised training and conduct assessments to issue nationally recognised qualifications.

RTOs may include government departments, TAFE colleges, adult and community education providers, private providers, community organisations, schools, higher education institutions, industry bodies or other organisations meeting the registration requirements.

In all instances RTO's must be approved by the NSW Food Authority to issue NSW FSS certificates.

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## How is the training delivered and how long will it take?

FSS training can generally be completed in one full day (for example, through face-to-face training and assessment). However, the duration of the course will depend on the type of delivery option offered by approved RTOs, which can include:

- face-to-face
- online
- workplace based
- correspondence



- a combination of the above.

RTOs must issue FSS certificates within 10 working days of successfully completing the course.

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## How much will training cost?

Training costs are set by individual approved RTOs. RTOs will issue the NSW FSS certificates and cannot charge more than \$30 to issue it.

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## Food Safety Supervisor certificate

The NSW FSS certificate is issued by the approved RTO, in addition to a Statement of Attainment, after successful completion of the training and assessment requirements.

An FSS certificate states that the person it is issued to is qualified to be a Food Safety Supervisor. The FSS certificate is valid for 5 years from the date of issue.

It is a legal requirement that all businesses keep a copy of their FSS certificate on the premises and produce it for inspection on request by an authorised officer. The Food Authority encourages businesses to display their FSS certificate.



Figure 1 Sample current NSW Food Safety Supervisor Certificate.

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## Penalties for non-compliance

There are 2 offences that carry penalties if a business does not comply:

- fail to appoint a Food Safety Supervisor - business does not appoint at least one FSS per premises (or per business for mobile caterers) within 30 days of the original FSS ceasing to act in that role
- fail to keep a copy of the FSS certificate on the premises and produce it for inspection - business does not keep a copy of the FSS certificate on the premises and does not produce it for inspection on request by an authorised officer.

Penalty notice infringements for the above offences can be up to \$330 for an individual (for example, a sole trader) and \$660 for a registered company.

These offences can also be prosecuted in serious cases. Refer to the Food Act 2003 for the maximum penalties that apply.

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## Will previous training be recognised?

People who have attained units of competency within the past 5 years in a full relevant qualification can apply to the Food Authority for a NSW FSS certificate. They will need to complete the FSS certificate request form (available on [the NSW Food Authority website](#)), together with a certified copy of their Qualification and Transcript and \$30 payment to the Food Authority.

See FSS certificates on the [Food Authority website](#) for more information, including eligibility.

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## How is FSS training different to general food safety skills and knowledge training?

It is mandatory for all food handlers to have general food handling skills and knowledge appropriate to their role in the business. This is specified in the Food Standards Code.

The FSS training is 'accredited' training as it is tied to qualifications within the nationally recognised Vocational Education and Training (VET) system.

FSS training is an additional requirement for at least 1 person in certain hospitality and retail food service businesses. It does not replace skills and knowledge requirements for all food handlers.

The NSW FSS requires the national units of competency and mandatory key focus areas.

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## Is the FSS solely responsible for food safety in a business?

No. Everyone who works in a food business has a responsibility to handle food safely.

*Business owners/proprietors must:*

- put effective food safety processes in place
- notify their food business with the relevant authority (usually the local council)
- ensure their business complies with the Food Standards Code, including 3.2.2A and other food safety requirements
- appoint an FSS
- ensure a copy of the current FSS certificate is on the premises at all times. The Food Authority encourages businesses to display their FSS certificate.
- ensure staff are trained in the skills and knowledge they require for their role
- keep food safety risk management records (if required) or be able to demonstrate how the business keeps food safe
- be aware they are liable if a food safety breach does occur.

*Food Safety Supervisors:*

- are nominated by the business owner and work under the direction of the owner
- supervise food handling in the business to make sure it is done safely
- must understand the overall food safety processes of the business as it applies to all staff
- are subject to individual liability and personal hygiene provisions (under Standard 3.2.2 Division 4 Subdivision 1 - 13,14,15).

*Food handlers:*

- must have skills and knowledge relevant to their food duties to keep and sell safe food. For example, a chef needs greater food safety skills and knowledge than a waiter or kitchen hand

- are subject to individual personal hygiene provisions (under Standard 3.2.2 Division 4 Subdivision 1-13,14,15).

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## What if a Food Safety Supervisor changes their name, or damages or loses their certificate?

If a Food Safety Supervisor's personal details change, such as their name, they should first contact the RTO that issued the FSS certificate and request a new one. The FSS will need to find out from the RTO what documentation must be submitted before a certificate is reissued.

If an FSS certificate is lost or damaged, the RTO that issued the certificate will be able to issue a replacement.

RTOs may charge a fee for the reissue of an FSS certificate. This cost is set by the RTO and not the Food Authority.

If the RTO that issued the certificate has ceased to operate or is no longer approved under the NSW FSS program, the Food Authority can issue a replacement certificate.

The business and FSS should act as soon as possible to replace an FSS certificate, as it is a legal requirement that all businesses that require a FSS keep a copy of the certificate on the premises.

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## What if the Food Safety Supervisor leaves the business?

As the FSS certificate holder must be working in the business, the business owner must appoint a new Food Safety Supervisor within 30 operational days (for example, days that food is processed and sold) of that FSS leaving, or ceasing to act in that role.

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## Summary of roles

### Role of the business

- Appoint at least 1 trained FSS per premises (or per business for mobile caterers).
- Ensure the FSS obtains the FSS certificate by completing FSS training and assessment.
- Keep a copy of the FSS certificate on the premises at all times. Display is recommended.
- Ensure the FSS certificate is valid (not more than 5 years old).

### Role of local councils

Upon routine inspections of food businesses, authorised officers can ask to see a copy of the FSS certificate. This must be clear and legible.

### Role of RTOs

- Be approved by the NSW Food Authority to deliver NSW FSS training and assessment in the required units of competency as well as the mandatory key focus areas and issue Food Safety Supervisor certificates.
- Comply with the Food Authority's conditions of approval and RTO approval criteria.

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## FSS recertification

NSW FSS certificates are valid for 5 years from the date of issue, after which they need to be renewed.



When a NSW FSS holder's certification expires, the certificate holder has 90 days to replace their expired certificate by completing a recertification course through an approved RTO offering that course.

The recertifying RTO may recognise the applicant's prior learning (units of competency) as part of the recertification course.

If a certificate holder's certificate expired more than 90 days ago, they must complete the full course again, including the required units of competency and key focus areas.

This is different to the requirements for a food business where the business must appoint a new FSS within 30 days if:

- the appointed FSS leaves the business, or
- the appointed FSS certificate expires.

The new FSS may be a previously appointed FSS who completes recertification.

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## Steps for businesses to comply with the FSS requirements

1. Determine whether your business needs an FSS.
2. Choose who will be the FSS for your business.
3. The chosen FSS completes the training and assessment through an approved RTO.
4. The FSS receives a Statement of Attainment and a NSW FSS certificate. A copy is kept on the premises.
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.

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## More information

For further information contact your local council or the NSW Food Authority:

- [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au)
- [food.contact@dpi.nsw.gov.au](mailto:food.contact@dpi.nsw.gov.au)
- 1300 552 406

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