Safe Food Australia

2nd Edition, January 2001

A Guide to the Food Safety Standards

Chapter 3 of the Australia New Zealand
Food Standards Code (applies to Australia only)



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Safe Food Australia

A guide to the Food Safety Standards

Chapter 3 of the Australia New Zealand Food Standards Code (Australia only)

Standard 3.1.1 ***Interpretation and Application***

Standard 3.2.2 ***Food Safety Practices and General Requirements***

Standard 3.2.3 ***Food Premises and Equipment***

Second Edition, January 2001

Note: The standards listed above are mandatory standards in the States and Territories of Australia. They will become enforceable from 24 February 2001.

Standard 3.2.1 *Food Safety Programs* is a voluntary standard. Where a State or Territory decides to implement a requirement for food safety programs it must use this standard. Standard 3.2.1 is not included in this guide.

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Australia New Zealand Food Authority
PO Box 7186
Canberra MC ACT 2610
Tel: (02) 6271 2222 Fax: (02) 6271 2278 E-mail: info@anzfa.gov.au

Or in New Zealand:
Australia New Zealand Food Authority
PO Box 10559
The Terrace
Wellington 6036
Tel: (04) 473 9942 Fax: (04) 473 9855 E-mail: nz.reception@anzfa.gov.au

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Status of the guide

This guide has been developed by the Australia New Zealand Food Authority in accordance with section 7(c) of the *Australia New Zealand Food Authority Act 1991*. The guidance provided in this document is not legally binding.

The guide has been prepared to assist with the interpretation of three of the food safety standards in Chapter 3 of the *Australia New Zealand Food Standards Code*. These standards apply only in Australia. They are:

3.1.1 *Interpretation and Application*

3.2.2 *Food Safety Practices and General Requirements*

3.2.3 *Food Premises and Equipment*

A copy of each of these three standards has been included in the relevant section of this guide.

The voluntary standard, Standard 3.2.1 *Food Safety Programs*, is not included in this guide. A guide to the interpretation of Standard 3.2.1 will be developed separately.

This guide is intended primarily for use by government agencies responsible for the enforcement of the food safety standards. If there is uncertainty about what is meant by a requirement within the food safety standards, reference can be made to the explanation in this guide for clarification.

This guide will be reviewed and amended as necessary. Readers are invited to provide feedback to the Food Safety Program of ANZFA if they have suggestions that would improve the guide or believe additional explanation should be included in the guide.

The address is:

Food Safety Program
Australia New Zealand Food Authority
PO Box 7186
Canberra MC ACT 2610

E-mail: food.safety@anzfa.gov.au

The Authority disclaims any liability for any loss or injury directly or indirectly sustained by any person as a result of reliance upon this guide. Food businesses should seek independent legal advice in relation to any queries they may have regarding the legal obligations imposed upon them under the food safety standards.

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Introduction

There are four national food safety standards. The Australia New Zealand Food Authority (ANZFA) developed these standards in consultation with State and Territory health authorities, the food industry, and other interested organisations and individuals.

The four food safety standards are:

- 3.1.1 *Interpretation and Application*;
- 3.2.1 *Food Safety Programs*;
- 3.2.2 *Food Safety Practices and General Requirements*; and
- 3.2.3 *Food Premises and Equipment*.

In July 2000, the Australia New Zealand Food Standards Council[1] agreed to the adoption of Standards 3.1.1, 3.2.2 and 3.2.3. These food safety standards form part of the *Australia New Zealand Food Standards Code*. They apply only in Australia.

The Australia New Zealand Food Standards Council had previously deferred consideration of the fourth standard, Standard 3.2.1 *Food Safety Programs*, and requested further study of the efficacy and costs of these programs for a range of food businesses. Pending the results of this work, the Council agreed in November 2000 that Standard 3.2.1 should be adopted as a voluntary standard. It did so as some States planned to proceed with the introduction of food safety programs without waiting for the results of the study requested earlier by the Australia New Zealand Food Standards Council.

As a voluntary standard, Standard 3.2.1 *Food Safety Programs* will apply in only those States or Territories that choose to implement this standard.

Standards 3.1.1, 3.2.2 and 3.2.3 become enforceable from February 2001, depending on the regulatory situation in each State and Territory. The notification provision and the requirement that food handlers and supervisors have food safety skills and knowledge commensurate with their duties within the food business, both in Standard 3.2.2, come into effect from February 2002 to give businesses time to comply with these requirements.

The food safety standards will replace existing State and Territory and local government food hygiene regulations that were nationally inconsistent and that tended to be prescriptive and sometimes significantly out of date. They presented businesses with unnecessary costs and difficulties. In addition, they included requirements that could not be justified in terms of public health and safety.

The new standards reflect international best practice. Taken together, they are based on a preventative approach to the incidence of food-borne illness in Australia and are designed to help ensure that food businesses in Australia produce food that is safe to eat.

1 Ministers of Health from the States, Territories and Commonwealth of Australia and from New Zealand meet as the Australia New Zealand Food Standards Council to approve food standards for Australia and New Zealand.

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Using the guide

- The text of each standard is in the coloured pages preceding the interpretative comment on that standard.
- Definitions are included in each standard and explained at the start of each interpretative section. An alphabetical listing of all definitions is included in the Glossary following the Appendixes.
- The intended outcome for each clause of the standards is set out in the lightly shaded area that precedes the explanation for that clause.
- The text of the standards is included in bold sanserif type throughout the interpretative sections of the guide. The clause, subclause and paragraph numbering and lettering are the same as those in the standards.
- The intent behind every requirement in the food safety standards is explained.
- Examples are set out in shaded boxes throughout the text. These examples serve to illustrate the requirements.
- The guide does not specify ways in which food businesses can comply with the requirements in the standards, although it may help them to do so.
- Food businesses needing information on complying with the food safety standards should contact their local enforcement agency for advice.

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Standard 3.1.1

Interpretation and Application

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Standard 3.1.1

Interpretation and Application

(Australia only)

Purpose

This Standard sets out the interpretation and application provisions that apply to the other food safety standards set out in this Chapter of the Code. The objective of the food safety standards is to ensure that only safe and suitable food is sold in Australia.

Contents

1 Interpretation
2 Meaning of safe and suitable food
3 General application of the Food Safety Standards
4 Compliance with the Food Safety Standards

Clauses

1 Interpretation

In this Chapter the definitions of the following terms apply:

appropriate enforcement agency means an enforcement agency prescribed by the regulations under the Act for the purposes of enforcement of the Act or similar purposes.

authorised officer means a person authorised or appointed under the Act or other legislation for the purposes of enforcement of the Act, or similar purposes, such as an 'authorised officer', 'environmental health officer' or 'inspector'.

clean means clean to touch and free of extraneous visible matter and objectionable odour.

contaminant means any biological or chemical agent, foreign matter, or other substances that may compromise food safety or suitability.

contamination means the introduction or occurrence of a contaminant in food.

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equipment means a machine, instrument, apparatus, utensil or appliance, other than a single-use item, used or intended to be used in or in connection with food handling and includes any equipment used or intended to be used to clean food premises or equipment.

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 handler means a person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food, for a food business.

food handling operation means any activity involving the handling of food.

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.

food safety standards means the standards contained in Chapter 3 of the *Australia New Zealand Food Standards Code*.

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.

hazard means a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.

pests include birds, rodents, insects and arachnids.

primary food production means the growing, cultivation, picking, harvesting, collection or catching of food, and includes the following:

(a) the transportation or delivery of food on, from or between the premises on which it was grown, cultivated, picked, harvested, collected or caught,

(b) the packing, treating (for example, washing) or storing of food on the premises on which it was grown, cultivated, picked, harvested, collected or caught, and

(c) any other food production activity that is regulated by or under an Act prescribed by the regulations for the purposes of this definition.

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However, primary food production does not include:

(a) any process involving the substantial transformation of food (for example, manufacturing or canning), regardless of whether the process is carried out on the premises in which the food was grown, cultivated, picked, harvested, collected or caught, or

(b) the sale or service of food directly to the public, or

(c) any other food production activity prescribed by the regulations under the Act for the purposes of this definition.

proprietor of a food business means:

(a) the person carrying on the food business, or

(b) if that person cannot be identified — the person in charge of the food business.

sell means:

(a) barter, offer or attempt to sell, or

(b) receive for sale, or

(c) have in possession for sale, or

(d) display for sale, or

(e) cause or permit to be sold or offered for sale, or

(f) send, forward or deliver for sale, or

(g) dispose of by any method for valuable consideration, or

(h) dispose of to an agent for sale on consignment, or

(i) provide under a contract of service, or

(j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or

(k) dispose of by way of raffle, lottery or other game of chance, or

(l) offer as a prize or reward, or

(m) give away for the purpose of advertisement or in furtherance of trade or business, or

(n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment, or

(o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions, where 'public institution' means 'public institution' as defined in the Act, if it is so defined; or

(p) sell for the purpose of resale.

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single-use item means an instrument, apparatus, utensil or other thing intended by the manufacturer to only be used once in connection with food handling, and includes disposable gloves.

2 Meaning of safe and suitable food

(1) For the purposes of the Food Safety Standards, food is not safe if it would be likely to cause physical harm to a person who might later consume it, assuming it was:

(a) after that time and before being consumed by the person, properly subjected to all processes (if any) that are relevant to its reasonable intended use; and

(b) consumed by the person according to its reasonable intended use.

(2) However, food is not unsafe merely because its inherent nutritional or chemical properties cause, or its inherent nature causes, adverse reactions only in persons with allergies or sensitivities that are not common to the majority of persons.

(3) In subsection (1), *processes* include processes involving storage and preparation.

(4) For the purposes of the Food Safety Standards, food is not suitable if it:

(a) is damaged, deteriorated or perished to an extent that affects its reasonable intended use, or

(b) contains any damaged, deteriorated or perished substance that affects its reasonable intended use, or

(c) is the product of a diseased animal or an animal that has died otherwise than by slaughter, and has not been declared by or under another Act to be safe for human consumption, or

(d) contains a biological or chemical agent, or other matter or substance, that is foreign to the nature of the food.

(5) However, food is not unsuitable for the purposes of the Food Safety Standards merely because:

(a) it contains an agricultural or veterinary chemical in an amount that does not contravene the Food Standards Code, or

(b) it contains a metal or non-metal contaminant (within the meaning of the Food Standards Code) in an amount that does not contravene the permitted level for the contaminant as specified in the Food Standards Code, or

(c) it contains any matter or substance that is permitted by the Food Standards Code.

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Editorial note:

Terms that are defined in this Standard are terms that are used only in this Standard or in more than one food safety standard. Terms that are used in only one of the other food safety standards are defined in the standard in which they are used.

'Act' is defined in Standard 1.1.1 as meaning the Act under the authority of which the Code is applied.

Under the Inter-Governmental Agreement developed in response to the Food Regulation Review (Blair) Report, jurisdictions will agree to adopt definitions of the following terms into their Food Acts: 'food', 'food business', 'food safety standards', 'handling', 'proprietor' and 'unsafe food'.

Jurisdictions may adopt the definition of 'unsuitable food' into their Food Acts if they wish.

The definitions of these terms in this Standard are based upon their proposed definitions in the Model Food Bill. It is intended to remove the definitions of these terms from this Standard once jurisdictions include the relevant Model Food Bill definitions in their Food Acts.

3 General application of the Food Safety Standards

The Food Safety Standards apply in accordance with this Standard to all food businesses in Australia but not in New Zealand.

Editorial note:

All the requirements of Standards 3.2.2 and 3.2.3 except the notification and skills and knowledge requirements will commence six months from gazettal of those standards. The notification and skills and knowledge requirements will commence 18 months after gazettal.

4 Compliance

(1) The proprietor of a food business must ensure the food business complies with all the requirements of the Food Safety Standards except those in Subdivision 1 of Division 4 of Standard 3.2.2 (Food Safety Practices and General Requirements).

(2) Food handlers must comply with all the requirements set out in Subdivision 1 of Division 4 of Standard 3.2.2.

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Purpose

Standard 3.1.1 sets out the interpretation and application provisions that apply to the other food safety standards in this chapter of the *Australia New Zealand Food Standards Code*, that is, Standard 3.2.2 *Food Safety Practices and General Requirements* and Standard 3.2.3 *Food Premises and Equipment*.

Contents

1 Interpretation

Standard 3.1.1 defines terms that are used only in this standard or in both the other food safety standards. Terms that are used in only one of the other standards are defined in the standard in which they are used.

The definitions given in the food safety standards apply to the interpretation of these standards whether or not the words are defined in State and Territory food legislation.

Some of the definitions refer to the 'Act'. The Act is defined in Standard 1.1.1 as the Act which gives the authority to apply the *Australia New Zealand Food Standards Code*.

If a term has not been defined within this standard or any of the other standards, refer to the most recent edition of *The Macquarie Dictionary*, published by The Macquarie Library Pty Ltd.

Definitions

Underlined words are also defined in this standard.

appropriate enforcement agency **means an enforcement agency prescribed by the regulations under the Act for the purposes of enforcement of the Act or similar purposes.**

Each State and Territory Food Act specifies the agency responsible for the enforcement of the Act and any regulations or standards referred to in the Act.

The enforcement authority will usually be the same authority that enforced previous food hygiene regulations in the respective State or Territory.

This term is used in Standard 3.2.2 clause 4 **Notification** and in relation to exemptions from requirements in subclauses 15(5), 17(2) and 17(3). It is also used in relation to exemptions from requirements in Standard 3.2.3 paragraph 10(3)(b) and subclause 14(4).

authorised officer **means a person authorised or appointed under the Act or other legislation for the purposes of enforcement of the Act, or similar purposes, such as an 'authorised officer', 'environmental health officer' or 'inspector'.**

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Each State and Territory Act specifies the persons who have the authorisation to enforce the Act and associated regulations or standards.

The term is used in Standard 3.2.2 subclause 5(2) **Food receipt**, clause 12 **Food recall** and subclause 18(2) in relation to information provided by a food handler.

clean means clean to touch and free of extraneous visible matter and objectionable odour.

The definition clarifies that 'clean' is not about the microbiological standard of the surface but about the standard that can be assessed by sight, touch and smell.

'Cleanliness', 'cleaned' and 'cleaning' are also used in the standards, with the same intent as 'clean'.

The term is used in Standard 3.2.2 in regard to hand washing and equipment, fittings and fixtures. It is also used as part of the definition of 'clean and sanitary condition' in subclause 20(2). 'Clean' is also used in Standard 3.2.3 in regard to the design and construction of food premises, garbage storage, equipment, utensils and food storage areas of vehicles to allow effective cleaning.

contaminant means any biological or chemical agent, foreign matter, or other substances that may compromise food safety or suitability.

'Contaminant' is used in the definition of 'unsuitable' in relation to general requirements for food premises. Biological agents include micro-organisms such as bacteria, viruses and moulds. Chemical agents include metals, pesticides and other chemicals that could contaminate food. Foreign matter includes physical objects that may be in food, such as string, paperclips and glass. Other substances are included to ensure that all materials that may affect food safety or suitability are covered. For definitions of 'safety' and 'suitability' see 'Meaning of safe and suitable food' on page 16.

'Contaminant' is used in this standard and Standard 3.2.3.

contamination means the introduction or occurrence of a contaminant in food.

Contamination of food has occurred if any of the contaminants referred to above are present in the food.

Protecting food against contamination in storage, display, handling and transport is referred to in Standards 3.2.2 and 3.2.3.

equipment means a machine, instrument, apparatus, utensil or appliance, other than a single-use item, used or intended to be used in or in connection with food handling and includes any equipment used or intended to be used to clean food premises or equipment.

The intention is to ensure that all equipment that is used to produce food and in cleaning procedures in the food premises is covered by the requirements. There are specific requirements for single-use items.

'Equipment' is used in clauses 8, 19, 20 and 21 of Standard 3.2.2 and clauses 3, 12 and 13 of Standard 3.2.3.

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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.

The definition is crucial to applying the food safety standards and should be read in conjunction with the definition of 'primary food production'. The words 'commercial', 'charitable' and 'community' take their dictionary meanings. The intention is to cover all food businesses (other than primary food producers) whether or not the food is intended for sale for charity or for commercial purposes.

food handler means a person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food, for a food business.

The definition covers people who prepare food and/or handle surfaces likely to come into contact with food, for example a person cleaning eating and drinking utensils. Food handlers must comply with the health and hygiene requirements in Standard 3.2.2.

food handling operation means any activity involving the handling of food.

Examples of food handling operations are: preparing meat and vegetables for cooking, preparing salads, serving meals and packaging food for sale.

The term is used frequently in Standard 3.2.3 to clarify that the requirement applies only in relation to these operations. For example, food handlers are obliged to comply with hygiene requirements in clause 15 in Standard 3.2.2 only when engaging in any food handling operations.

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.

The definition covers all types of structures that are used by food businesses, including boats, ships and planes. In addition, land used by a food business is covered. Premises permanently used by the business and temporary premises such as market stalls, tents, etc. are also covered.

If a business sells food or offers food as part of a service, such as a hairdressing business serving coffee, it is a food business.

Outdoor dining areas on the street are part of the food premises serving the food. Note that 'Division 3 — Floors, walls and ceilings' does not apply to dining areas.

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Food vending machines are classed as equipment. A business that sells food through food vending machines is a food business. A business that operates food transport vehicles is a food business. Premises that are principally private dwellings but would be classed as food premises include premises used for bed and breakfast, child care involving the supply of food, and domestic premises used to store or prepare food for sale.

food safety standards means the standards contained in Chapter 3 of the *Australia New Zealand Food Standards Code*.

Currently these are Standards 3.1.1, 3.2.1, 3.2.2 and 3.2.3. The term is used only in Standard 3.1.1, in the definitions of 'safe' and 'suitable', and in the application and compliance provisions.

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.

This is inclusive and intended to cover all the activities that take place in relation to food before it is sold. It is not restricted to the activities listed.

hazard means a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.

As part of a food safety program, a business must identify potential hazards that are expected to occur in the business's food handling operations. These hazards may be biological, chemical or physical agents in the food. Pathogenic micro-organisms are an example of biological agents in food. Chemical agents include pesticides, toxic metals and veterinary chemical residues. Physical agents in food include foreign matter such as glass or metal fragments. A hazard may also be material intrinsic to the food but unacceptable in the final product: bones in fish products are an example.

The definition also covers biological, chemical and physical conditions of food. This means that the food is (or has the potential to be) in a state that needs to be controlled by the food safety program. An example is a food that is known to be poisonous, for example certain mushrooms, when the specific agent causing the illness may not be able to be identified.

The term is used in the definition of a food safety program in Standard 3.2.2.

pests include birds, rodents, insects and arachnids.

The intention is to ensure that the requirements cover all animals that could contaminate food either directly or indirectly. It is not restricted to the animals listed.

It is used in clause 24 of Standard 3.2.2 and clauses 3, 6, 10, 11 and 12 of Standard 3.2.3.

primary food production means the growing, cultivation, picking, harvesting, collection or catching of food, and includes the following:

(a) the transportation or delivery of food on, from or between the premises on which it was grown, cultivated, picked, harvested, collected or caught,

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(b) the packing, treating (for example, washing) or storing of food on the premises on which it was grown, cultivated, picked, harvested, collected or caught, and

(c) any other food production activity that is regulated by or under an Act prescribed by the regulations for the purposes of this definition.

However, primary food production does not include:

(a) any process involving the substantial transformation of food (for example, manufacturing or canning), regardless of whether the process is carried out on the premises in which the food was grown, cultivated, picked, harvested, collected or caught, or

(b) the sale or service of food directly to the public, or

(c) any other food production activity prescribed by the regulations under the Act for the purposes of this definition.

This definition has been included to exclude primary production activities from Standards 3.2.2 and 3.2.3. It does this by excluding primary food production from the definition of food business and thereby excluding it from the application and compliance provisions of this standard.

Primary food production has been excluded from compliance with the standards because the requirements of the standards were not written to take account of the particular needs of this sector of the food industry. There are other legislative and food safety mechanisms to regulate food safety in this sector.

However, the definition is intended to ensure that if the food is subjected, by a primary food producer, to a process that substantially transforms the food, or if it is sold or served directly to the public, it is covered by these standards.

States and Territories have the mechanism under the definition to include and exclude specific types of food businesses from the application of the standards. Businesses that are in doubt as to whether the standards are applicable in any particular State or Territory should contact the State or Territory health department.

The term is used only in clause 1 of this standard.

proprietor of a food business means:

(a) the person carrying on the food business, or

(b) if that person cannot be identified – the person in charge of the food business.

The proprietor of a food business is obliged to comply with the standards except where it is stated that a food handler is directly responsible for compliance. There may be circumstances in which it is not possible to identify who is actually carrying on the food business, for example because there are communication difficulties or the business is unwilling to provide that information. In these circumstances the proprietor is then the person who, in the opinion of the enforcement agency, is in charge of the business.

'Proprietor' is used in the definitions and compliance provisions in this standard and in clauses 4, 17 and 18 of Standard 3.2.2.

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sell means:

(a) barter, offer or attempt to sell, or

(b) receive for sale, or

(c) have in possession for sale, or

(d) display for sale, or

(e) cause or permit to be sold or offered for sale, or

(f) send, forward or deliver for sale, or

(g) dispose of by any method for valuable consideration, or

(h) dispose of to an agent for sale on consignment, or

(i) provide under a contract of service, or

(j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or

(k) dispose of by way of raffle, lottery or other game of chance, or

(l) offer as a prize or reward, or

(m) give away for the purpose of advertisement or in furtherance of trade or business, or

(n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment, or

(o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions, where 'public institution' means 'public institution' as defined in the Act, if it is so defined; or

(p) sell for the purpose of resale.

The definition is intended to cover all circumstances in which food is provided in exchange for money or other benefit, as a part of a service (for example meals provided as part of accommodation) or for some other gain to the business from providing the food. It also includes food that is provided as part of a demonstration to promote food products because the business expects to gain by selling the product. It does not include food that is given away and for which nothing is expected in return; for example food prepared in the family home for family and friends.

'Sell' is used within the definition of 'food business' in this standard.

single-use item means an instrument, apparatus, utensil or other thing intended by the manufacturer to only be used once in connection with food handling, and includes disposable gloves.

There is specific discussion about single-use items in clause 23 in Standard 3.2.2.

It is excluded from the definition of 'equipment' in this standard.

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2 Meaning of safe and suitable food

The food safety standards regulate the safety and suitability of food. 'Safe' and 'suitable' are the words used by the Codex Alimentarius Commission in its basic texts on food hygiene to describe food that is fit for human consumption. The Codex Alimentarius Commission is responsible for developing international food standards, codes of practice and guidelines on behalf of the Food and Agriculture Organization and the World Health Organization, with the aim of protecting the health of consumers and ensuring fair practices in international food trade.

These words have been used in preference to terms in existing State and Territory food legislation (such as 'adulterated' or 'fit for human consumption') because these terms have different meanings associated with them in different Sates and Territories.

The definitions are intended to clarify the aspects of 'safety' and 'suitability' that are within the scope of the standards.

Safe food

2(1) For the purposes of the Food Safety Standards, food is not safe if it would be likely to cause physical harm to a person who might later consume it, assuming it was:

(a) after that time and before being consumed by the person, properly subjected to all processes (if any) that are relevant to its reasonable intended use; and

(b) consumed by the person according to its reasonable intended use.

The intention of the definition is that safe food is food that will not cause illness or other physical harm to a person eating it, provided that the food is used as it is intended to be used. For example, raw meat is likely to contain pathogenic micro-organisms. However, in terms of the definition, it is considered safe because it is intended by food businesses to be cooked before being eaten. Therefore the presence of pathogenic micro-organisms on food that is intended to be processed to destroy those micro-organisms does not mean that the food is unsafe.

If a person is harmed when eating a food, such as by choking on a piece of food, this does not mean in itself that the food is 'unsafe'. If the person chokes on foreign material in the food the presence of that foreign material in the food may make that food 'unsuitable'.

2(2) However, food is not unsafe merely because its inherent nutritional or chemical properties cause, or its inherent nature causes, adverse reactions only in persons with allergies or sensitivities that are not common to the majority of persons.

Some people suffer allergic reactions to foods, for example peanuts. The definition makes it clear that the presence of allergens that do not affect the general population does not make that food unsafe.

2(3) In subsection (1), *processes* include processes involving storage and preparation.

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Suitable food

2(4) For the purposes of the Food Safety Standards, food is not suitable if it:

(a) is damaged, deteriorated or perished to an extent that affects its reasonable intended use, or

(b) contains any damaged, deteriorated or perished substance that affects its reasonable intended use, or

(c) is the product of a diseased animal or an animal that has died otherwise than by slaughter, and has not been declared by or under another Act to be safe for human consumption, or

(d) contains a biological or chemical agent, or other matter or substance, that is foreign to the nature of the food.

Some substances are not considered to be acceptable for consumption even though consuming them may not cause illness or other harm. These have been listed as (a) to (d) in subclause (4); for example an insect that has been cooked in food is unlikely to cause illness but the food would be considered unacceptable. The definition includes food that is damaged, or has deteriorated or perished, or contains such material as an ingredient.

Animals that are diseased or have died other than by slaughter are not considered acceptable for human consumption and are specifically defined as unsuitable. 'Slaughter' means being killed for food and includes slaughter of game in the wild as well as slaughter of cattle etc. at abattoirs.

Food that contains foreign material, for example insects, nails, string and other material occasionally found in food, is not acceptable.

2(5) However, food is not unsuitable for the purposes of the Food Safety Standards merely because:

(a) it contains an agricultural or veterinary chemical in an amount that does not contravene the Food Standards Code, or

(b) it contains a metal or non-metal contaminant (within the meaning of the Food Standards Code) in an amount that does not contravene the permitted level for the contaminant as specified in the Food Standards Code, or

(c) it contains any matter or substance that is permitted by the Food Standards Code.

Subclause 5 states that food that does not contain more than the levels of agricultural and veterinary chemical residues and contaminants specified in the *Food Standards Code*, or that contains matter or substances permitted by the *Food Standards Code*, is not to be classed as unsuitable only because it contains those substances. For example, food that contains the permissible amount of mercury cannot be considered unsuitable.

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3 General application of the Food Safety Standards

3 The Food Safety Standards apply in accordance with this Standard to all food businesses in Australia but not in New Zealand.

The standards do not apply to 'primary food production'. This term is defined and is intended to cover activities that occur on farms. Activities in relation to food production on farms and the transport of food from the farm are not within the scope of the standards.

4 Compliance

4(1) The proprietor of a food business must ensure the food business complies with all the requirements of the Food Safety Standards except those in Subdivision 1 of Division 4 of Standard 3.2.2 (Food Safety Practices and General Requirements).

4(2) Food handlers must comply with all the requirements set out in Subdivision 1 of Division 4 of Standard 3.2.2.

The proprietor of the food business is responsible for compliance with the requirements of Standards 3.2.2 and 3.2.3 except for the requirements of clauses 13, 14 and 15 in Standard 3.2.2 which place specific obligations on food handlers. These specific obligations relate to the health and hygiene practices of food handlers.

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Standard 3.2.2

Food Safety Practices and General Requirements

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Standard 3.2.2

Food Safety Practices and General Requirements

(Australia only)

Purpose

This Standard sets out specific requirements for food businesses and food handlers that, if complied with, will ensure food does not become unsafe or unsuitable.

This Standard specifies process control requirements to be satisfied at each step of the food handling process. Some requirements relate to the receipt, storage, processing, display, packaging, distribution disposal and recall of food. Other requirements relate to the skills and knowledge of food handlers and their supervisors, the health and hygiene of food handlers, and the cleaning, sanitising, and maintenance of premises and equipment.

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Clauses

Division 1 — Interpretation and application

1 Interpretation

In this Standard, unless the contrary intention appears —

carrier of a food-borne disease does not include a person who is a carrier of *Staphylococcus aureus*.

condition means an infected skin lesion or discharges from the ear, nose or eye.

environmental conditions means conditions under which certain food may be required to be stored including temperature, humidity, lighting conditions and atmosphere.

food-borne disease means a disease that is likely to be transmitted through consumption of contaminated food.

food safety program means a program set out in a written document retained at the food premises of the food business, including records of compliance and other related action, that:

(a) systematically identifies the potential hazards that may be reasonably expected to occur in all food handling operations of the food business;

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(b) identifies where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control;

(c) provides for the systematic monitoring of those controls;

(d) provides for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control;

(e) provides for the regular review of the program by the food business to ensure its adequacy; and

(f) provides for appropriate records to be made and kept by the food business demonstrating action taken in relation to, or in compliance with, the food safety program.

frozen does not include partly thawed.

potentially hazardous food means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

process, in relation to food, means activity conducted to prepare food for sale including chopping, cooking, drying, fermenting, heating, pasteurising, 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 and does not include nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer.

symptom means diarrhoea, vomiting, sore throat with fever, fever or jaundice.

temperature control means maintaining food at a temperature of:

(a) 5ºC, or below if this is necessary to minimise the growth of infectious or toxigenic micro-organisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature; or

(b) 60ºC or above; or

(c) another temperature — if the food business demonstrates that maintenance of the food at this temperature for the period of time for which it will be so maintained, will not adversely affect the microbiological safety of the food.

2 Application of this Standard

This Standard applies to all food businesses and food handlers in Australia in accordance with Standard 3.1.1 (Interpretation and Application).

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Editorial note:

Food businesses that operate from a farm, vineyard, orchard or aquaculture facility should refer to the definition of 'food business' in Standard 3.1.1 to determine if they have to comply with this Standard. If they are involved in the substantial transformation of food or the sale or service of food directly to the public then they must comply with this Standard.

Division 2 — General requirements

3 Food handling — skills and knowledge

(1) A food business must ensure that persons undertaking or supervising food handling operations have:

(a) skills in food safety and food hygiene matters; and

(b) knowledge of food safety and food hygiene matters,

commensurate with their work activities.

(2) Subclause (1) does not apply to a food business in relation to persons undertaking food handling operations for fundraising events, that is, events:

(a) that raise funds solely for community or charitable causes and not for personal financial gain; and

(b) at which only food is sold that is not potentially hazardous or which is to be consumed immediately after thorough cooking.

4 Notification

(1) A food business must, before the food business commences any food handling operations, notify the appropriate enforcement agency of the following information:

(a) contact details for the food business including the name of the food business and the name and business address of the proprietor of the food business;

(b) the nature of the food business; and

(c) the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

(2) When complying with subclause (1), the proprietor of the food business must answer all questions asked by the appropriate enforcement agency in relation to the matters listed in subclause (1) in the form approved from time to time by the relevant authority under the Act.

(3) The food business must notify the appropriate enforcement agency of any proposed change to the information specified in subclause (1) before the change occurs.

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(4) A food business that exists at the time of the commencement of this Clause must provide the appropriate enforcement agency with the information specified in subclause (1) within three months of the commencement of this Clause.

Division 3 — Food handling controls

5 Food receipt

(1) A food business must take all practicable measures to ensure it only accepts food that is protected from the likelihood of contamination.

(2) A food business must provide, to the reasonable satisfaction of an authorised officer upon request, the following information relating to food on the food premises:

(a) the name and business address in Australia of the vendor, manufacturer or packer or, in the case of food imported into Australia, the name and business address in Australia of the importer; and

(b) the prescribed name or, if there is no prescribed name, an appropriate designation of the food.

(3) A food business must, when receiving potentially hazardous food, take all practicable measures to ensure it only accepts potentially hazardous food that is at a temperature of:

(a) 5ºC or below; or

(b) 60ºC or above,

unless the food business transporting the food demonstrates that the temperature of the food, having regard to the time taken to transport the food, will not adversely affect the microbiological safety of the food.

(4) A food business must, when receiving potentially hazardous food, take all practicable measures to ensure that food which is intended to be received frozen, is frozen when it is accepted.

6 Food storage

(1) A food business must, when storing food, store the food in such a way that:

(a) it is protected from the likelihood of contamination; and

(b) the environmental conditions under which it is stored will not adversely affect the safety and suitability of the food.

(2) A food business must, when storing potentially hazardous food:

(a) store it under temperature control; and

(b) if it is food that is intended to be stored frozen, ensure the food remains frozen during storage.

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7 Food processing

(1) A food business must:

(a) take all practicable measures to process only safe and suitable food; and

(b) when processing food:

(i) take all necessary steps to prevent the likelihood of food being contaminated; and

(ii) 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.

(2) A food business must, when processing potentially hazardous food 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 micro-organisms in the food is minimised.

(3) A food business must, when cooling cooked potentially hazardous food, cool the food:

(a) within two hours — from 60ºC to 21ºC; and

(b) within a further four hours — from 21ºC to 5ºC,

unless the food business demonstrates that the cooling process used will not adversely affect the microbiological safety of the food.

(4) 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 60ºC or above, unless the food business demonstrates that the heating process used will not adversely affect the microbiological safety of the food.

8 Food display

(1) A food business must, when displaying food, take all practicable measures to protect the food from the likelihood of contamination.

(2) A food business must, when displaying unpackaged ready-to-eat food for self service:

(a) ensure the display of the food is effectively supervised so that any food that is contaminated by a customer or is likely to have been so contaminated is removed from display without delay;

(b) provide separate serving utensils for each food or other dispensing methods that minimise the likelihood of the food being contaminated; and

(c) provide protective barriers that minimise the likelihood of contamination by customers.

(3) Subclause (2) does not apply to food in tamper resistant equipment or containers.

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(4) A food business must not display for sale on any counter or bar, any ready-to-eat food that is not intended for self-service unless it is enclosed, contained or wrapped so that the food is protected from likely contamination.

(5) A food business must, when displaying potentially hazardous food:

(a) display it under temperature control; and

(b) if it is food that is intended to be displayed frozen, ensure the food remains frozen when displayed.

9 Food packaging

A food business must, when packaging food:

(a) only use packaging material that is fit for its intended use;

(b) only use material that is not likely to cause food contamination; and

(c) ensure that there is no likelihood that the food may become contaminated during the packaging process.

10 Food transportation

A food business must, when transporting food:

(a) protect all food from the likelihood of contamination;

(b) transport potentially hazardous food under temperature control; and

(c) ensure that potentially hazardous food which is intended to be transported frozen remains frozen during transportation.

11 Food disposal

(1) A food business must ensure that food for disposal is held and kept separate until it is:

(a) destroyed or otherwise used or disposed of so that it cannot be used for human consumption;

(b) returned to its supplier;

(c) further processed in a way that ensures its safety and suitability; or

(d) ascertained to be safe and suitable.

(2) In subclause (1), 'food for disposal' means food that:

(a) is subject to recall;

(b) has been returned;

(c) is not safe or suitable; or

(d) is reasonably suspected of not being safe or suitable.

(3) A food business must clearly identify any food that is held and kept separate in accordance with subclause (1) as returned food, recalled food, or food that is or may not be safe or suitable, as the case may be.

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(4) A food business must not sell food that has been already served to a person to another person unless the food was completely wrapped when served and has remained completely wrapped.

12 Food recall

A food business engaged in the wholesale supply, manufacture or importation of food must:

(a) have in place a system to ensure the recall of unsafe food;

(b) set out this system in a written document and make this document available to an authorised officer upon request; and

(c) comply with this system when recalling unsafe food.

> Editorial note:
>
> Food businesses that are not engaged in the wholesale supply, manufacture or importation of food are not required to have a food recall system. However, all food businesses should note that food that is subject to recall is 'food for disposal' and hence all food businesses must comply with the requirements of Clause 11 in relation to recalled food.

Division 4 — Health and hygiene requirements

Subdivision 1 — Requirements for food handlers

13 General requirement

A food handler must take all reasonable measures not to handle food or surfaces likely to come into contact with food in a way that is likely to compromise the safety and suitability of food.

14 Health of food handlers

(1) A food handler who has a symptom that indicates the handler may be suffering from a food-borne disease, or knows he or she is suffering from a food-borne disease, or is a carrier of a food-borne disease, must, if at work:

(a) report that he or she is or may be suffering from the disease, or knows that he or she is carrying the disease, to his or her supervisor, as the case may be;

(b) not engage in any handling of food where there is a reasonable likelihood of food contamination as a result of the disease; and

(c) if continuing to engage in other work on the food premises — take all practicable measures to prevent food from being contaminated as a result of the disease.

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(2) A food handler who suffers from a condition must, if at work:

(a) if there is a reasonable likelihood of food contamination as a result of suffering the condition — report that he or she is suffering from the condition to his or her supervisor; and

(b) if continuing to engage in the handling of food or other work — take all practicable measures to prevent food being contaminated as a result of the condition.

(3) A food handler must notify his or her supervisor if the food handler knows or suspects that he or she may have contaminated food whilst handling food.

15 Hygiene of food handlers

(1) A food handler must, when engaging in any food handling operation:

(a) take all practicable measures to ensure his or her body, anything from his or her body, and anything he or she is wearing does not contaminate food or surfaces likely to come into contact with food;

(b) take all practicable measures to prevent unnecessary contact with ready-to-eat food;

(c) ensure outer clothing is of a level of cleanliness that is appropriate for the handling of food that is being conducted;

(d) only use on exposed parts of his or her body bandages and dressings that are completely covered with a waterproofed covering;

(e) not eat over unprotected food or surfaces likely to come into contact with food;

(f) not sneeze, blow or cough over unprotected food or surfaces likely to come into contact with food;

(g) not spit, smoke or use tobacco or similar preparations in areas in which food is handled; and

(h) not urinate or defecate except in a toilet.

(2) A food handler must wash his or her hands in accordance with subclause (4):

(a) whenever his or her hands are likely to be a source of contamination of food;

(b) immediately before working with ready-to-eat food after handling raw food; and

(c) immediately after using the toilet.

(3) A food handler must, when engaging in a food handling operation that involves unprotected food or surfaces likely to come into contact with food, wash his or her hands in accordance with subclause (4):

(a) before commencing or re-commencing handling food;

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(b) immediately after smoking, coughing, sneezing, using a handkerchief or disposable tissue, eating, drinking or using tobacco or similar substances; and

(c) after touching his or her hair, scalp or a body opening.

(4) A food handler must, whenever washing his or her hands:

(a) use the hand washing facilities provided;

(b) thoroughly clean his or her hands using soap or other effective means, and warm running water; and

(c) thoroughly dry his or her hands on a single use towel or in another way that is not likely to transfer pathogenic micro-organisms to the hands.

(5) A food handler who handles food at temporary food premises does not have to clean his or her hands with warm running water, or comply with paragraph (4)(c), if the appropriate enforcement agency has provided the food business operating from the temporary food premises with approval in writing for this purpose.

Subdivision 2 — Requirements for food businesses

16 Health of persons who handle food — duties of food businesses

(1) A food business must ensure the following persons do not engage in the handling of food for the food business where there is a reasonable likelihood of food contamination:

(a) a person known to be suffering from a food-borne disease, or who is a carrier of a food-borne disease; and

(b) a person known or reasonably suspected to have a symptom that may indicate he or she is suffering from a food-borne disease.

(2) A food business must ensure that a person who is known or reasonably suspected to be suffering from a condition and who continues to engage in the handling of food for the food business takes all practicable measures to prevent food contamination.

(3) A food business may permit a person excluded from handling food in accordance with paragraph (1)(a) to resume handling food only after receiving advice from a medical practitioner that the person no longer is suffering from, or is a carrier of, a food-borne disease.

17 Hygiene of food handlers — duties of food businesses

(1) Subject to subclause (2), a food business must, for each food premises:

(a) maintain easily accessible hand washing facilities;

(b) maintain, at or near each hand washing facility, a supply of:

(i) warm running water; and

(ii) soap; or

(iii) other items that may be used to thoroughly clean hands;

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(c) ensure hand washing facilities are only used for the washing of hands, arms and face; and

(d) provide, at or near each hand washing facility:

(i) single use towels or other means of effectively drying hands that are not likely to transfer pathogenic micro-organisms to the hands; and

(ii) a container for used towels, if needed.

(2) Paragraph (1)(c) does not apply in relation to handwashing facilities at food premises that are used principally as a private dwelling if the proprietor of the food business has the approval in writing of the appropriate enforcement agency.

(3) With the approval in writing of the appropriate enforcement agency, a food business that operates from temporary food premises does not have to comply with any of the requirements of paragraphs (1)(b)(i) or (1)(d) that are specified in the written approval.

18 General duties of food businesses

(1) A food business must inform all food handlers working for the food business of their health and hygiene obligations under Subdivision 1 of this Division.

(2) A food business must ensure that any information provided by a food handler in accordance with Subdivision 1 of this Division is not disclosed to any person without the consent of the food handler, except the proprietor or an authorised officer, and that the information is not used for any purpose other than addressing the risk of food contamination.

(3) A food business must take all practicable measures to ensure all people on the food premises of the food business:

(a) do not contaminate food;

(b) do not have unnecessary contact with ready-to-eat food; and

(c) do not spit, smoke, or use tobacco or similar preparations in areas where there is unprotected food or surfaces likely to come into contact with food.

Division 5 — Cleaning, sanitising and maintenance

19 Cleanliness

(1) A food business must maintain food premises to a standard of cleanliness where there is no accumulation of:

(a) garbage, except in garbage containers;

(b) recycled matter, except in containers;

(c) food waste;

(d) dirt;

(e) grease; or

(f) other visible matter.

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(2) A food business must maintain all fixtures, fittings and equipment, having regard to its use, and those parts of vehicles that are used to transport food, to a standard of cleanliness where there is no accumulation of:

(a) food waste;

(b) dirt;

(c) grease; or

(d) other visible matter.

20 Cleaning and sanitising of specific equipment

(1) A food business must ensure the following equipment is in a clean and sanitary condition in the circumstances set out below:

(a) eating and drinking utensils — immediately before each use; and

(b) the food contact surfaces of equipment — whenever food that will come into contact with the surface is likely to be contaminated.

(2) In subclause (1), a 'clean and sanitary condition' means, in relation to a surface or utensil, the condition of a surface or utensil where it:

(a) is clean; and

(b) has had applied to it heat or chemicals, heat and chemicals, or other processes, so that the number of micro-organisms on the surface or utensil has been reduced to a level that:

(i) does not compromise the safety of the food with which it may come into contact; and

(ii) does not permit the transmission of infectious disease.

21 Maintenance

(1) A food business must maintain food premises, fixtures, fittings, equipment, and those parts of vehicles that are used to transport food, in a good state of repair and working order having regard to their use.

(2) A food business must not use any chipped, broken or cracked eating or drinking utensils for handling food.

Division 6 — Miscellaneous

22 Temperature measuring devices

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device that:

(a) is readily accessible; and

(b) can accurately measure the temperature of potentially hazardous food to +/– 1ºC.

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23 Single use items

A food business must:

(a) in relation to all single use items, take all practicable measures to ensure they do not come into contact with food or the mouth of a person if they are:

(i) contaminated; or

(ii) reasonably suspected of being contaminated; and

(b) in relation to single use items that are intended to come into contact with food or the mouth of a person:

(i) take all practicable measures to protect them from the likelihood of contamination until use; and

(ii) not reuse such items.

24 Animals and pests

(1) A food business must:

(a) subject to paragraph (b), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish;

(b) permit an assistance animal only in dining and drinking areas and other areas used by customers;

(c) take all practicable measures to prevent pests entering the food premises; and

(d) take all practicable measures to eradicate and prevent the harbourage of pests on the food premises and those parts of vehicles that are used to transport food.

(2) In subclause (1), 'assistance animal' means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

> Editorial note:
>
> Section 9 of the *Disability Discrimination Act 1992* refers to a guide dog, a dog trained to assist a person in activities where hearing is required and any other animal trained to assist a person to alleviate the effect of a disability.

25 Alternative methods of compliance

Without limiting the ways in which a food business can demonstrate that the temperature and any heating or cooling process it uses will not adversely affect the microbiological safety of food, a food business satisfies this requirement by complying with:

(a) a food safety program that meets the requirements for food safety programs in the Act, regulations under the Act, or a food safety standard other than this Standard;

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(b) if no such requirements apply to the food business, a 'food safety program' as defined in this Standard;

(c) a process that according to documented sound scientific evidence is a process that will not adversely affect the microbiological safety of the food; or

(d) a process set out in written guidelines based on sound scientific evidence that are recognised by the relevant food industry.

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Introduction

This standard sets out specific requirements for food businesses and food handlers that, if complied with, should ensure food does not become unsafe or unsuitable. The requirements are set out in the following five main divisions.

Division 2 — General requirements This division requires food handlers to have appropriate skills and knowledge in food hygiene and safety matters and for food businesses to notify details of their business to the relevant authority.

Division 3 — Food handling controls This division specifies requirements for food as it is being handled, from receipt to disposal. It also includes food recall requirements.

Division 4 — Health and hygiene requirements This division obliges food handlers to comply with certain health and hygiene requirements. It also obliges the food business to ensure that all persons in the food business comply with these requirements.

Division 5 — Cleaning, sanitising and maintenance This division covers the general cleanliness and maintenance of the food premises, as well as what is required for cleaning and sanitising food contact surfaces, and eating and drinking utensils.

Division 6 — Miscellaneous This division includes requirements concerning thermometers, single-use items, animals and pests, and alternative methods of compliance.

Generally, the standard includes requirements based on specified outcomes, rather than prescriptive requirements. Where requirements are outcomes-based, it means that the food business can comply with the specified outcome in its own way. Prescriptive requirements must be complied with. However, where temperature requirements have been specified for potentially hazardous food, the food business is permitted to deviate from the specified temperatures only if it can demonstrate that it has a safe alternative system in place. One way the food business may achieve this is by implementing a food safety program. 'Food safety program' is defined in this standard, see page 36.

If a food business has a food safety program in place, it must also ensure that the requirements of this standard are complied with. A food safety program is a documented system that sets out how a food business ensures that the food it produces is safe. Essentially, the program sets out in writing the systems the business has in place to comply with this standard. Unless required by the relevant State or Territory, a food business is not required at this stage to develop and implement a food safety program.

Compliance with Standard 3.2.3 *Food Premises and Equipment* will help food businesses to comply with this standard.

All food businesses must comply with this standard with the exception of those food businesses that fall within the primary food production category. 'Primary food production' is defined in Standard 3.1.1, see page 13.

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Division 1 — Interpretation and application

1 Interpretation

This clause includes definitions applicable to this standard only. Definitions that apply to more than one of the standards are specified within Standard 3.1.1. If a term has not been defined within this clause or Standard 3.1.1, reference should be made to the most recent edition of *The Macquarie Dictionary*, published by The Macquarie Library Pty Ltd.

1 In this Standard, unless the contrary intention appears —

carrier of a food-borne disease **does not include a person who is a carrier of *Staphylococcus aureus*.**

The definition has been included to clarify that persons (including food handlers) who carry the food-borne pathogen *Staphylococcus aureus* are not considered to be carriers of a food-borne disease. Many healthy persons carry *S. aureus* as part of the normal microflora of the nose, throat, perineum or skin (AIFST 1997).

While persons who carry *S. aureus* may contaminate food with this food-borne pathogen, this in itself is not a direct food safety hazard. The following events need to take place before food poisoning from *S. aureus* can occur:

- food must be contaminated with *S. aureus*;
- the food must be able to support the growth of *S. aureus*; and
- the food needs to be kept at temperatures that will support the growth of *S. aureus* for enough time for the numbers of *S. aureus* to reach levels at which there are significant quantities of toxin present in the food.

A 'carrier of a food-borne disease' is referred to in subclauses 14(1), 16(1) and 16(3).

condition **means an infected skin lesion or discharges from the ear, nose or eye.**

The text following subclause 14(2) explains 'condition' in detail (see page 86).

'Condition' is referred to in subclauses 14(2) and 16(2).

environmental conditions **means conditions under which certain food may be required to be stored including temperature, humidity, lighting conditions and atmosphere.**

'Environmental conditions' is explained in detail after paragraph 6(1)(b) (see page 54).

food-borne disease **means a disease that is likely to be transmitted through consumption of contaminated food.**

'Food-borne disease' is explained in detail under subclause 14(1) (see page 82) and is referred to in subclauses 14(1), 16(1) and 16(3).

food safety program **means a program set out in a written document retained at the food premises of the food business, including records of compliance and other related action, that:**

(a) systematically identifies the potential hazards that may be reasonably expected to occur in all food handling operations of the food business;

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(b) identifies where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control;

(c) provides for the systematic monitoring of those controls;

(d) provides for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control;

(e) provides for the regular review of the program by the food business to ensure its adequacy; and

(f) provides for appropriate records to be made and kept by the food business demonstrating action taken in relation to, or in compliance with, the food safety program.

A 'food safety program' is referred to in paragraphs 25(a) and 25(b) (see page 117 for more information).

frozen **does not include partly thawed.**

This definition has been included to clarify that frozen, potentially hazardous food must be kept at a temperature that ensures the food remains completely frozen. If any part of this food has begun to thaw, the food has not been kept frozen. The temperature for keeping potentially hazardous food frozen has not been specified and must, at a maximum, be low enough to keep the food frozen. For packaged frozen food, refer to the storage conditions included on the label for advice on the best temperature for keeping the food frozen.

'Frozen' is referred to in subclause 5(4) and paragraphs 6(2)(b), 8(5)(b) and 10(c).

potentially hazardous food **means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.**

'Potentially hazardous food' must meet certain temperature requirements. This definition clarifies that the only food that must comply with these temperature requirements is food that must be kept at these temperatures to minimise the growth of food-borne pathogens.

What food is potentially hazardous?

For the purposes of Standard 3.2.2, food that meets both of the following criteria is considered potentially hazardous:

- the food may contain a pathogen that needs to multiply in order to cause illness; and
- the food will support the growth of this pathogen.

Food that must be kept under temperature control to prevent toxins forming as a result of bacterial decomposition is also considered potentially hazardous. For example, certain species of fish need to be rapidly chilled shortly after capture to minimise the formation of histamine. This toxin is formed when certain species of bacteria are allowed to multiply and break down the flesh of the fish. However, minimising the growth of the bacteria that causes this spoilage can prevent the toxin from forming.

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The food is potentially hazardous only because the food has the potential to cause illness. The food is likely to become unsafe if it is not kept under temperature control.

The following foods are examples of foods that are normally potentially hazardous:

- raw and cooked meat or foods containing raw or cooked meat, for example casseroles, curries, lasagne and meat pies;
- dairy products and foods containing dairy products, for example milk, custard and dairy-based desserts;
- seafood (excluding live seafood) and foods containing seafood;
- processed fruits and vegetables, for example salads and unpasteurised juices;
- cooked rice and pasta;
- processed foods containing eggs, beans, nuts or other protein-rich food, for example quiche and soya bean products; and
- foods that contain any of the above foods, for example sandwiches and quiches.

Note that some of the above types of food will not be potentially hazardous because they have been manufactured to ensure they are not potentially hazardous. However, they will still require refrigeration for food quality reasons. If it is uncertain whether a manufactured food is potentially hazardous, advice should be sought from the manufacturer.

What food is not potentially hazardous?

Many foods do not rely on temperature control for safety because they have been processed to ensure that pathogens are not present in the food or the food is not able to support the growth of food-borne pathogens. These foods are not considered potentially hazardous. Food manufacturers usually achieve food safety by one of the following methods:

- destroying any pathogens that may be present in the food and then packaging the food in a hermetically sealed container so that the food cannot be contaminated, for example canned and bottled food;
- creating an environment in the food that does not support the growth of food-borne pathogens. This is usually done by making the food too acidic for pathogen growth, reducing the available water in the food by drying the food and/or adding salt and sugar, using food additives that inhibit bacterial growth, or a combination of these things, for example dried fruit, salted dried meats and fermented dried meats; or
- destroying or reducing the number of pathogens in the food and creating an environment that will minimise or prevent the growth of any pathogens that are still present and could multiply in the food, for example yoghurts, cheeses, spreads, sauces, dried pasta, pasteurised juices, breads, dried milk and dried custard powder.

Although the above foods are not considered potentially hazardous, they may become potentially hazardous when the food is opened or altered in some way. For example, a canned beef stew should be considered potentially hazardous once it is opened and custard powder should be considered potentially hazardous when it is reconstituted.

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Many raw unprocessed or semi-processed foods are also not potentially hazardous because they either do not support the growth of food-borne pathogens or do not contain food-borne pathogens. Examples of foods that do not support the growth of food-borne pathogens are raw whole fruits and vegetables, uncooked rice, flour and sugar. Examples of foods that would not normally contain food-borne pathogens are nuts in the shell and whole uncracked hens' eggs.[2]

Food-borne pathogens that do not need to multiply or do not need to multiply to large numbers in food to cause illness

This standard requires potentially hazardous food to be kept under temperature control to minimise the growth of food-borne pathogens. However, not all food-borne pathogens need to multiply in food to cause illness. Examples of pathogens that cause illness when in low numbers are viruses (for example hepatitis A and the Norwalk virus), enterohaemorrhagic strains of *Escherichia coli* (for example *E. coli* O157 and O111), *Campylobacter jejuni* and *Shigella* spp. If a ready-to-eat food is contaminated with low numbers of one of these pathogens, illness may occur. Food must be protected from contamination to prevent one of these pathogens being present. Once a food contains low numbers of one of these pathogens, keeping the food under temperature control will not make the food any more or less safe. Therefore, a ready-to-eat food that contains, for example, hepatitis A is considered a contaminated food that is unsafe. It is not considered a potentially hazardous food.

In certain circumstances the food-borne pathogens *Salmonella* spp., *Listeria monocytogenes*, *Vibrio vulnificus* and *Vibrio cholerae* may also cause illness when they are present in small numbers. The circumstances include, in the case of *Salmonella* spp., the strain of the pathogen and, in the case of all the pathogens, the type of food in which the pathogen is present. The person who consumes the food may also play a part: persons who are young, elderly or have suppressed immune systems, or women who are pregnant are more susceptible to food-borne illness and low numbers of these pathogens can cause illness in these persons. However, if these pathogens are present in a food that supports their growth, the food should be considered potentially hazardous. If they are present in ready-to-eat food that does not support their growth, the food may still cause illness but would not be potentially hazardous.

'Potentially hazardous food' is referred to in clauses 5, 6, 7, 8, 10 and 22.

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

The definition is intended to cover all activities that are carried out when preparing food for sale. Although it includes the activities listed in the definition, the definition is not limited to these activities.

'Process' is referred to in clause 7 **Food processing**.

2 Whole uncracked eggs that have been sourced from flocks that are free from *Salmonella enteritidis* infection are not considered potentially hazardous.

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ready-to-eat food means food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer.

'Ready-to-eat food' is food that can be eaten without having anything further done to it, for example, cooked meats, processed dairy products, confectionery, bread and other processed foods. It also includes raw foods such as meat and fish that are intended to be eaten without cooking, for example sushi. Food that may be heated before serving is still considered ready-to-eat, for example cold quiche. Ready-to-eat food may or may not be potentially hazardous.

More stringent requirements apply to 'ready-to-eat food' because any contamination will not be removed before the food is consumed.

'Ready-to-eat food' does not include whole raw fruits and vegetables as these are intended to be washed, hulled or peeled before they are consumed.

'Ready-to-eat food' is referred to in subclauses 8(2) and 8(4) and paragraphs 15(1)(b), 15(2)(b) and 18(3)(b).

symptom means diarrhoea, vomiting, sore throat with fever, fever or jaundice.

'Symptom' is explained on page 83.

It is referred to in subclauses 14(1) and 16(1).

temperature control means maintaining food at a temperature of:

(a) 5°C, or below if this is necessary to minimise the growth of infectious or toxigenic micro-organisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature; or

(b) 60°C or above; or

(c) another temperature — if the food business demonstrates that maintenance of the food at this temperature for the period of time for which it will be so maintained, will not adversely affect the microbiological safety of the food.

Potentially hazardous food must be stored, displayed and transported under 'temperature control'.

Potentially hazardous food is food that may contain food-borne pathogens and will support the growth of these pathogens. Therefore, this food needs to be kept at temperatures that minimise the growth of these pathogens so that they do not reach unsafe levels in the food. An unsafe level occurs if a food-borne pathogen is in sufficient numbers that the food is infectious (can cause illness) or the pathogen has been able to form a toxin in the food (substance that causes illness).

Food-borne pathogens will not grow at temperatures of 60°C and above. However, some food-borne pathogens, such as *Listeria monocytogenes* and certain strains of *Bacillus cereus* and *Clostridium botulinum*, will grow slowly at temperatures of 5°C and below. The lowest recorded temperature for the growth of pathogenic bacteria in food is –1°C. Therefore, to completely prevent the growth of pathogenic bacteria in chilled food, the food needs to be kept at temperatures below –1°C.

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It is not practical to keep chilled potentially hazardous food at temperatures below –1°C unless the food is being kept frozen. However, potentially hazardous food can be safely maintained at refrigeration temperatures provided the time that the food is kept refrigerated is limited. The US Food Code (1999) specifies that the maximum time that potentially hazardous food should be kept at 5°C is 7 days. If the food is kept for less than 7 days at 5°C there will not be sufficient time for food-borne bacteria to multiply to dangerous levels. If a food business wishes to keep potentially hazardous food for longer than 7 days at cold temperatures, it will need to:

- maintain the temperature of the food below 5°C — for example, at 3°C the food could be kept for longer than 7 days;
- keep the food frozen; or
- ensure that the food will not support the growth of the pathogens that grow to dangerous levels at refrigeration temperatures.

A food business is permitted to keep food at temperatures between 5°C and 60°C if it can demonstrate that keeping the food within this temperature range will not affect the safety of the food. Potentially hazardous food can be safely kept at temperatures between 5°C and 60°C for short periods, as during this time pathogens present in the food will not have been able to grow to unsafe levels. Clause 25 outlines how a food business can demonstrate that a potentially hazardous food will not be affected by being kept at temperatures between 5°C and 60°C. Appendix 1 includes more information on the use of time and temperature control for potentially hazardous food.

'Temperature control' is referred to in paragraphs 6(2)(a), 8(5)(a) and 10(b).

2 Application of this Standard

This clause specifies to whom the standard applies.

2 This Standard applies to all food businesses and food handlers in Australia in accordance with Standard 3.1.1 (Interpretation and Application).

Food businesses that operate from a farm, vineyard, orchard or aquaculture facility should refer to the definition of 'food business' in Standard 3.1.1 to determine if they have to comply with this standard. If they are involved in the substantial transformation of food or the sale or service of food directly to the public then they must comply with this standard.

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Division 2 — General requirements

3 Food handling — skills and knowledge

This clause requires food businesses to ensure that persons undertaking or supervising food handling operations have appropriate skills and knowledge in food safety and food hygiene matters.

3(1) A food business must ensure that persons undertaking or supervising food handling operations have:

(a) skills in food safety and food hygiene matters; and

(b) knowledge of food safety and food hygiene matters,

commensurate with their work activities.

It is not the intent of this clause to require mandatory training as it is recognised that skills and knowledge may be gained in different ways.

Skills and knowledge

Persons supervising or conducting food handling operations must possess the skills and knowledge in food safety and hygiene matters required to handle food safely.

A skill is defined as the ability to do something. In this context it means that a food handler or the supervisor of a food handler has the ability to perform those tasks that are necessary to ensure the safety of the food being handled.

Knowledge is defined as an acquaintance with facts, truths or principles. In this context it means that a food handler or the supervisor of a food handler must have an understanding of the issues relating to and the principles surrounding food safety and food hygiene matters.

Skills and knowledge in food safety and food hygiene matters commensurate with work activities

The requirement specifies that skills and knowledge are only required to a level that corresponds with the work activities of the food handler. The skills and knowledge required of a cook will be different from those of a waitress or a cleaner.

The requirement also specifies that the skills and knowledge must be in both food safety and food hygiene matters. The points following the example illustrate the difference between food safety and food hygiene matters.

Example

A food handler in a retail outlet prepares, stuffs and cooks whole chickens. The food handler must have the appropriate skills and knowledge in both food safety and food hygiene matters to ensure that the chicken is prepared safely for sale.

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In this example, the skills and knowledge that the food handler may need to have in relation to food safety matters include:

- the knowledge that raw chickens are likely to be contaminated with pathogenic bacteria;
- the knowledge that the consumption of an undercooked chicken can cause food-borne illness;
- the knowledge of the time and temperature required to ensure that the chicken and the stuffing are thoroughly cooked;
- the skill to examine the chicken to ensure that it is thoroughly cooked;
- the knowledge of the correct storage temperatures for both the raw and cooked chicken product;
- the skill to determine if equipment is set at the right temperature; and
- the skill to determine the temperature of the cooked product.

Examples of the skills and knowledge that the food handler may need to have in relation to food hygiene matters are:

- the knowledge that hands/gloves or equipment used to handle raw chickens may be a potential source of microbial cross-contamination for cooked chickens;
- the skill to wash hands or equipment to reduce the potential for microbial cross-contamination;
- the knowledge of other potential sources of contamination for the cooked product, such as dirty clothes or dirty work benches; and
- the skill to maintain a clean work area.

Obtaining the skills and knowledge required

There are many approaches that a food business can adopt in order to ensure that food handlers obtain the skills and knowledge required to produce safe food. Examples of these include:

- in-house training by business employees or the proprietor;
- distribution of relevant documentation to employees;
- having operating procedures in place that clarify the responsibilities of food handlers and supervisors;
- attendance at food safety courses run by local councils or other bodies such as industry associations;
- hiring a consultant to present a course to business employees; and
- formal training courses.

Food handlers are not required to undertake formal training in order to comply with the skills and knowledge requirement. The requirement states only that food handlers must have the appropriate skills and knowledge but does not specify how this is to be achieved.

Some businesses may decide that formal training is the best option for them. The National Food Industry Training Council, together with the Australian National Training Authority,

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