

**STANDARD 3.1.1**  
**INTERPRETATION AND APPLICATION**

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**(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.

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**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.

**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.

However, primary food production does not include –

- (d) 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
- (e) the sale or service of food directly to the public; or
- (f) 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;
- (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.

**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.

**Vehicles used to transport food** includes shopping trolleys.

## 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 *Australia New Zealand Food Standards Code*; or
  - (b) it contains a metal or non-metal contaminant (within the meaning of the *Australia New Zealand Food Standards Code*) in an amount that does not contravene the permitted level for the contaminant as specified in the *Australia New Zealand Food Standards Code*; or
  - (c) it contains any matter or substance that is permitted by the *Australia New Zealand Food Standards Code*.

### Editorial note:

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

## 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.

#### **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.

# **STANDARD 3.2.1**

## **FOOD SAFETY PROGRAMS**

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### **(Australia only)**

#### **Purpose**

This Standard is based upon the principle that food safety is best ensured through the identification and control of hazards in the production, manufacturing and handling of food as described in the Hazard Analysis and Critical Control Point (HACCP) system, adopted by the joint WHO/FAO Codex Alimentarius Commission, rather than relying on end product standards alone. This standard enables States and Territories to require food businesses to implement a food safety program based upon the HACCP concepts. The food safety program is to be implemented and reviewed by the food business, and is subject to periodic audit by a suitably qualified food safety auditor.

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### **Division 1 – Interpretation and application**

#### **1 Interpretation**

In this Standard –

**auditing frequency** means the most recently determined frequency of auditing determined by the appropriate enforcement agency, or a food safety auditor, in accordance with the Act.

**food safety program** means a food safety program that satisfies the requirements of clause 5.

**food safety auditor** means a person approved as a food safety auditor under the Act as a person competent to audit the relevant class of food business.

**monitoring** includes checking, observing or supervising in order to maintain control.

#### **2 Application of this Standard**

(1) This Standard applies to food businesses in Australia in accordance with Standard 3.1.1 and subclause (2).

(2) Unless expressly provided elsewhere in this Code, this Standard applies to all food and primary food production businesses that are determined by the appropriate enforcement agency under the Act to be within a priority classification of food business from the commencement date for that priority classification of food business.

## **Division 2 – Food safety programs**

### **3 General food safety program requirements**

A food business must –

- (a) systematically examine all of its food handling operations in order to identify the potential hazards that may reasonably be expected to occur;
- (b) if one or more hazards are identified in accordance with paragraph (a), develop and implement a food safety program to control the hazard or hazards;
- (c) set out the food safety program in a written document and retain that document at the food premises;
- (d) comply with the food safety program; and
- (e) conduct a review of the food safety program at least annually to ensure its adequacy.

### **4 Auditing of food safety programs**

A food business must –

- (a) ensure that the food safety program is audited by a food safety auditor at the auditing frequency applicable to the food business;
- (b) make the written document that sets out the food safety program, and the appropriate records referred to in paragraph 5(f), available to any food safety auditor who has been requested to conduct an audit of the food safety program; and
- (c) retain copies of all written reports of the results of all audits of the food safety program conducted by a food safety auditor within the last four years, for inspection upon request by a food safety auditor who audits the food safety program or an authorised officer.

### **5 Content of food safety programs**

A food safety program must –

- (a) systematically identify the potential hazards that may be reasonably expected to occur in all food handling operations of the food business;
- (b) identify where, in a food handling operation, each hazard identified under paragraph (a) can be controlled and the means of control;
- (c) provide for the systematic monitoring of those controls;
- (d) provide for appropriate corrective action when that hazard, or each of those hazards, is found not to be under control;
- (e) provide for the regular review of the program by the food business to ensure its adequacy; and
- (f) provide 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.

### **6 Fund raising events**

A food business does not have to prepare a food safety program in accordance with this Standard in relation to a fund raising event conducted by the food business.

## **STANDARD 3.2.2**

### **FOOD SAFETY PRACTICES AND GENERAL REQUIREMENTS**

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#### **(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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### Division 1 – Interpretation and application

#### 1 Interpretation

In this Standard, unless the contrary intention appears –

**carrier of a foodborne 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.

**foodborne 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;
- (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 microorganisms 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) 5°C, or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms 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.

## **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.

### **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 at which only food that is not potentially hazardous or is to be consumed immediately after thorough cooking is sold.

### **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.

(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, a name or a description of the food sufficient to indicate the true nature 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) 5°C or below; or
  - (b) 60°C 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.

### **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 microorganisms in the food is minimised.

- (3) A food business must, when cooling cooked potentially hazardous food, cool the food –
- (a) within two hours – from 60°C to 21°C; and
  - (b) within a further four hours – from 21°C to 5°C;

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

- (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 60°C 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.
- (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.
- (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 foodborne disease, or knows he or she is suffering from a foodborne disease, or is a carrier of a foodborne 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.
- (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;
  - (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 microorganisms 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 foodborne disease, or who is a carrier of a foodborne disease; and
- (b) a person known or reasonably suspected to have a symptom that may indicate he or she is suffering from a foodborne 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 foodborne 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;
- (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 microorganisms 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.

(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, and other items provided by the business to purchasers 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 microorganisms 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 and all fixtures, fittings and equipment, having regard to their use, and those parts of vehicles that are used to transport food, and other items provided by the business to purchasers 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 +/- 1°C.

### 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 subclauses (2) and (3), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish; and
- (b) take all practicable measures to prevent pests entering the food premises; and
- (c) 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) A food business must permit an assistance animal in areas used by customers.

(3) A food business may permit a dog that is not an assistance animal to be present in an outdoor dining area.

(4) In this clause –

**assistance animal** means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

**enclosed area** means an area that, except for doorways and passageways, is substantially or completely closed, whether permanently or temporarily, by –

- (a) a ceiling or roof; and
- (b) walls or windows or both walls and windows.

**outdoor dining area** means an area that –

- (a) is used for dining, drinking or both drinking and dining; and
- (b) is not used for the preparation of food; and
- (c) is not an enclosed area; and
- (d) can be entered by the public without passing through an enclosed area.

**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;
- (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.

## Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

### About this compilation

This is a compilation of Standard 3.2.2 as in force on **30 October 2014** (up to Amendment No. 150). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **30 October 2014**.

### Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislative Instruments including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted	am = amended
exp = expired or ceased to have effect	rep = repealed
rs = repealed and substituted	

**Standard 3.2.2** was published in the *Commonwealth of Australia Gazette* No. S 464 on 24 August 2000 as part of Amendment No. 51 (F2008B00576 – 24 September 2008) and has been amended as follows:

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Purpose	67	F2008B00814 24 Dec 2008 FSC 9 31 July 2003	31 July 2003	am	Correct a formatting error.
1	67	F2008B00814 24 Dec 2008 FSC 9 31 July 2003	31 July 2003	am	Definitions of 'adequate supply of water' and 'potable water' to correct punctuation errors.
1	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	am	Amend the spelling of 'micro-organism' to 'microorganism' wherever occurring.
1	135	F2011L02014 10 Oct 2012 FSC 77 11 Oct 2012	11 Oct 2012	am	Amend the spelling of 'food-borne' to 'foodborne' wherever occurring.
2(1)	67	F2008B00814 24 Dec 2008 FSC 9 31 July 2003	31 July 2003	am	Correct a formatting error.
3(2)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	rs	Subclause to clarify intent.

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
5(2)	135	F2011L02014 10 Oct 2012 FSC 77 11 Oct 2012	11 Oct 2012	am	Paragraph (b) to clarify intent.
5(2)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	am	Correct typographical error.
7	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011		Amend the spelling of 'micro-organism' to 'microorganism' wherever occurring.
14(1)	135	F2011L02014 10 Oct 2012 FSC 77 11 Oct 2012	11 Oct 2012	am	Amend the spelling of 'food-borne' to 'foodborne' wherever occurring.
16(1), (3)	135	F2011L02014 10 Oct 2012 FSC 77 11 Oct 2012	11 Oct 2012	am	Amend the spelling of 'food-borne' to 'foodborne' wherever occurring.
17	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	am	Amend the spelling of 'micro-organism' to 'microorganism' wherever occurring.
19(2)	78	F2005L01246 26 May 2005 FSC 20 26 May 2005	26 May 2005	am	Subclause to clarify intent.
20	124	F2011L01450 8 July 2011 FSC 66 11 July 2011	11 July 2011	am	Amend the spelling of 'micro-organism' to 'microorganism' wherever occurring.
21(1)	78	F2005L01246 26 May 2005 FSC 20 26 May 2005	26 May 2005	am	Subclause to clarify intent.
21(1)	88	F2006L03270 5 Oct 2006 FSC 30 5 Oct 2006	5 Oct 2006	rs	Subclause to include a reference to 'food premises' which was inadvertently omitted under a previous amendment.
24	135	F2012L02012 10 Oct 2012 FSC 77 11 Oct 2012	11 Oct 2012	rs	Clause and following Editorial note.
24(4)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	rs	Definition of 'outdoor dining area' to correct typographical error.

# **STANDARD 3.2.3**

## **FOOD PREMISES AND EQUIPMENT**

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**(Australia only)**

### **Purpose**

This Standard sets out requirements for food premises and equipment that, if complied with, will facilitate compliance by food businesses with the food safety requirements of Standard 3.2.2 – Food Safety Practices and General Requirements.

The objective of this Standard is to ensure that, where possible, the layout of the premises minimises opportunities for food contamination. Food businesses are required to ensure that their food premises, fixtures, fittings, equipment and transport vehicles are designed and constructed to be cleaned and, where necessary, sanitised. Businesses must ensure that the premises are provided with the necessary services of water, waste disposal, light, ventilation, cleaning and personal hygiene facilities, storage space and access to toilets.

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## **Division 1 – Interpretation and application**

### **1 Interpretation**

In this Standard –

**adequate supply of water** means potable water that is available at a volume, pressure and temperature that is adequate for the purposes for which the water is used.

**potable water** means water that is acceptable for human consumption.

**Editorial note:**

The *Australian Drinking Water Guidelines* (ADWG) are available from the National Health and Medical Research Council (NHMRC).

**sanitise** means to apply heat or chemicals, heat and chemicals, or other processes, to a surface so that the number of microorganisms on the surface is reduced to a level that –

- (a) does not compromise the safety of food with which it may come into contact; and
- (b) does not permit the transmission of infectious disease.

**sewage** includes the discharge from toilets, urinals, basins, showers, sinks and dishwashers, whether discharged through sewers or other means.

## **2 Application of this Standard**

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

**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 must 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.

- (2) A food business may only use food premises and food transport vehicles that comply with this Standard.
- (3) A food business may only use equipment, fixtures and fittings in or on food premises and in or on food transport vehicles that comply with this Standard.

**Editorial note:**

Standards Australia has published AS 4674-2004 Design, Construction and Fit-out of Food Premises. This Standard provides guidance on design, construction and fit-out criteria for new food premises and for the renovation or alteration of existing food premises.

## **Division 2 – Design and construction of food premises**

### **3 General requirements**

The design and construction of food premises must –

- (a) be appropriate for the activities for which the premises are used;
- (b) provide adequate space for the activities to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities;
- (c) permit the food premises to be effectively cleaned and, if necessary, sanitised; and
- (d) to the extent that is practicable –
  - (i) exclude dirt, dust, fumes, smoke and other contaminants;
  - (ii) not permit the entry of pests; and
  - (ii) not provide harbourage for pests.

### **4 Water supply**

- (1) Food premises must have an adequate supply of water if water is to be used at the food premises for any of the activities conducted on the food premises.

**Editorial note:**

An 'adequate supply of water' is defined in clause 1.

(2) Subject to subclause (3), a food business must use potable water for all activities that use water that are conducted on the food premises.

(3) If a food business demonstrates that the use of non-potable water for a purpose will not adversely affect the safety of the food handled by the food business, the food business may use non-potable water for that purpose.

**5 Sewage and waste water disposal**

Food premises must have a sewage and waste water disposal system that –

- (a) will effectively dispose of all sewage and waste water; and
- (b) is constructed and located so that there is no likelihood of the sewage and waste water polluting the water supply or contaminating food.

**6 Storage of garbage and recyclable matter**

Food premises must have facilities for the storage of garbage and recyclable matter that –

- (a) adequately contain the volume and type of garbage and recyclable matter on the food premises;
- (b) enclose the garbage or recyclable matter, if this is necessary to keep pests and animals away from it; and
- (c) are designed and constructed so that they may be easily and effectively cleaned.

**7 Ventilation**

Food premises must have sufficient natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours from the food premises.

**8 Lighting**

Food premises must have a lighting system that provides sufficient natural or artificial light for the activities conducted on the food premises.

**Division 3 – Floors, walls and ceilings****9 Application**

The requirements for floors, walls and ceilings specified in this Division apply to the floors, walls and ceilings of all areas used for food handling, cleaning, sanitising and personal hygiene except the following areas –

- (a) dining areas;
- (b) drinking areas; and
- (c) other areas to which members of the public usually have access.

**10 Floors**

(1) Floors must be designed and constructed in a way that is appropriate for the activities conducted on the food premises.

(2) Subject to subclause (3), floors must –

- (a) be able to be effectively cleaned;
- (b) be unable to absorb grease, food particles or water;

- (c) be laid so that there is no ponding of water; and
  - (d) to the extent that is practicable, be unable to provide harbourage for pests.
- (3) The following floors do not have to comply with subclause (2) –
- (a) floors of temporary food premises, including ground surfaces, that are unlikely to pose any risk of contamination of food handled at the food premises; and
  - (b) floors of food premises that are unlikely to pose any risk of contamination of food handled at the food premises provided the food business has obtained the approval in writing of the appropriate enforcement agency for their use.

## **11 Walls and ceilings**

- (1) Walls and ceilings must be designed and constructed in a way that is appropriate for the activities conducted on the food premises.
- (2) Walls and ceilings must be provided where they are necessary to protect food from contamination.
- (3) Walls and ceilings provided in accordance with subclause (2) must be –
- (a) sealed to prevent the entry of dirt, dust and pests;
  - (b) unable to absorb grease, food particles or water; and
  - (c) able to be easily and effectively cleaned.
- (4) Walls and ceilings must –
- (a) be able to be effectively cleaned; and
  - (b) to the extent that is practicable, be unable to provide harbourage for pests.

## **Division 4 – Fixtures, fittings and equipment**

### **12 General requirements**

- (1) Fixtures, fittings and equipment must be –
- (a) adequate for the production of safe and suitable food; and
  - (b) fit for their intended use.
- (2) Fixtures and fittings must be designed, constructed, located and installed, and equipment must be designed, constructed, located and, if necessary, installed, so that –
- (a) there is no likelihood that they will cause food contamination;
  - (b) they are able to be easily and effectively cleaned;
  - (c) adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively cleaned; and
  - (d) to the extent that is practicable, they do not provide harbourage for pests.
- (3) The food contact surfaces of fixtures, fittings and equipment must be –
- (a) able to be easily and effectively cleaned and, if necessary, sanitised if there is a likelihood that they will cause food contamination;
  - (b) unable to absorb grease, food particles and water if there is a likelihood that they will cause food contamination; and
  - (c) made of material that will not contaminate food.
- (4) Eating and drinking utensils must be able to be easily and effectively cleaned and sanitised.



### **13 Connections for specific fixtures, fittings and equipment**

(1) Fixtures, fittings and equipment that use water for food handling or other activities and are designed to be connected to a water supply must be connected to an adequate supply of water.

#### **Editorial note:**

An 'adequate supply of water' is defined in clause 1.

(2) Fixtures, fittings and equipment that are designed to be connected to a sewage and waste water disposal system and discharge sewage or waste water must be connected to a sewage and waste water disposal system.

(3) Automatic equipment that uses water to sanitise utensils or other equipment must only operate for the purpose of sanitation when the water is at a temperature that will sanitise the utensils or equipment.

### **14 Hand washing facilities**

(1) Subject to subclause (4), food premises must have hand washing facilities that are located where they can be easily accessed by food handlers –

- (a) within areas where food handlers work if their hands are likely to be a source of contamination of food; and
- (b) if there are toilets on the food premises – immediately adjacent to the toilets or toilet cubicles.

(2) Subject to the following subclauses, hand washing facilities must be –

- (a) permanent fixtures;
- (b) connected to, or otherwise provided with, a supply of warm running potable water;
- (c) of a size that allows easy and effective hand washing; and
- (d) clearly designated for the sole purpose of washing hands, arms and face.

(3) Paragraph (2)(a) does not apply to temporary food premises.

(4) With the approval in writing of the appropriate enforcement agency, food premises that are specified in the approval do not have to comply with any requirement of this clause that is also specified in the approval.

(5) Only food premises that are used principally as a private dwelling or are temporary food premises may be specified in an approval for the purposes of subsection (4).

## **Division 5 – Miscellaneous**

### **15 Storage facilities**

(1) Food premises must have adequate storage facilities for the storage of items that are likely to be the source of contamination of food, including chemicals, clothing and personal belongings.

(2) Storage facilities must be located where there is no likelihood of stored items contaminating food or food contact surfaces.

### **16 Toilet facilities**

A food business must ensure that adequate toilets are available for the use of food handlers working for the food business.

## **17 Food transport vehicles**

- (1) Vehicles used to transport food must be designed and constructed to protect food if there is a likelihood of food being contaminated during transport.
- (2) Parts of vehicles used to transport food must be designed and constructed so that they are able to be effectively cleaned.
- (3) Food contact surfaces in parts of vehicles used to transport food must be designed and constructed to be effectively cleaned and, if necessary, sanitised.