

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

Food Safety Standards

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Standards 3.2.2 and 3.2.3 are adopted as law in Victoria under Section 16 of the Food Act 1984.

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.

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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 -

- (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;
- (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.

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*.

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.

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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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;
- (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) 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.

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, 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.

(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) 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 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 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 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.

(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 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;
- (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.

(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 +/- 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 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;
- (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.

STANDARD 3.2.3

FOOD PREMISES AND EQUIPMENT

(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 1996*, as amended, of the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and of New Zealand (ARMCANZ) may be used by food businesses and authorised officers for guidance concerning what constitutes acceptable water.

sanitise means to apply heat or chemicals, heat and chemicals, or other processes, to a surface so that the number of micro-organisms 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:

An Australian Standard for the design, construction and fitout of Food Premises is being developed by Standards Australia. The Australian Standard will provide guidance to food businesses and authorised officers relating to the design, construction and fit-out of food premises. The Australian Building Codes Board is considering including specific requirements for food premises in the Building Codes of Australia.

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.