

Food Safety Supervisor requirements

New food laws introduced in NSW require certain food businesses in the hospitality and retail food service sector to appoint at least one trained Food Safety Supervisor (FSS).

These new requirements are to help safeguard NSW consumers from foodborne illness.

Impacted businesses will need to appoint an FSS and notify the relevant enforcement agency (usually the local council) of who their FSS is.

The FSS must be trained by a Registered Training Organisation (RTO) approved by the NSW Food Authority (the Authority).

Who does it apply to?

The Food Safety Supervisor requirement applies to businesses **processing** and **selling food** at retail level that is:

- ~ ready-to-eat, and
- ~ potentially hazardous (ie requires temperature control), and
- ~ **NOT** sold and served in the supplier's original package.

These businesses include:

- ~ Restaurants
- ~ Cafés
- ~ Takeaway shops
- ~ Caterers (eg process and serve food at one fixed location)
- ~ Mobile caterers (eg process and transport food to more than one location)
- ~ Bakeries
- ~ Pubs
- ~ Clubs
- ~ Hotels
- ~ Temporary premises (eg food market stalls)
- ~ Mobile food vendors (eg process and sell food from a van)
- ~ Supermarket hot food sales (eg hot chicken)

Certain food businesses do not require a Food Safety Supervisor. See the Authority's website www.foodauthority.nsw.gov.au for details.

Why is a Food Safety Supervisor important?

Appointing a Food Safety Supervisor adds an onsite level of protection for day-to-day food safety. People who complete FSS training will hold a nationally recognised qualification stating they have skills and knowledge to handle food safely.

The Food Safety Supervisor (FSS)

What is a Food Safety Supervisor?

A Food Safety Supervisor is a person who:

- ~ holds an FSS certificate that is no more than five years old, and
- ~ is not an FSS for any other food premises or any other mobile catering business, and
- ~ has the authority to supervise other people handling food and to ensure that the handling is done safely.

A person holding an FSS certificate will know how to recognise, prevent and alleviate the hazards associated with the handling of food.

Note: An FSS has 'authority' if they hold a position (eg shift supervisor, kitchen manager, head chef) that gives them the power to instruct and supervise others within the food business.

How many Food Safety Supervisors do I need?

Businesses need to appoint at least **one** Food Safety Supervisor per premises. Businesses can have more than one FSS at the same premises if they wish to.

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

Example: A chain of chicken shops operates a number of premises in NSW. The business needs to appoint a different FSS for each store.

Mobile caterers are not required to appoint an FSS for each premises they go to, but must appoint at least one FSS for the mobile catering business.

Example: A mobile caterer provides catering services for several events at different locations on the same day. The caterer does not need to appoint an FSS for each location. The caterer just needs one FSS for the catering business.

Who needs to notify of their Food Safety Supervisor?

Most businesses need to notify the relevant enforcement agency (usually the local council) of the name and contact details of their Food Safety Supervisor. See table below.

Need to notify their FSS	Do not need to notify their FSS
<ul style="list-style-type: none"> Restaurants Cafes Takeaway shops Caterers and mobile caterers Bakeries Pubs Clubs Hotels Supermarkets that sell hot food (eg hot chicken) Mobile food vendors that operate in one location only (eg pie van, kebab van that are always in the same spot) 	<p>Temporary premises</p> <p>Example: A temporary premises is a tent, stall or similar where food is sold by retail on an occasional* basis only, such as for a fete, fair, market or other event. These premises do not need to notify.</p> <p>*The term 'occasional' is not defined in the Food Act 2003. In the context of temporary premises 'occasional' refers to any non permanent structure (eg tent, stall) from which food is sold by retail at events that occur on a one-off basis (eg fete, festival) or at certain intervals (eg monthly or weekly markets). Usually temporary premises do not operate on consecutive days at the same location.</p> <p>Mobile food vendors that operate in more than one location</p> <p>Example: A mobile food vendor that sells food from a vehicle at more than one location (eg ice cream van, lunch van that services industrial sites) does not need to notify.</p>

Who can be a Food Safety Supervisor?

The Food Safety Supervisor is nominated by the owner of a food business and may be the business owner, manager, employee (eg chef) or an external contractor (eg a person contracted to perform food service operations as part of a food business), provided they meet the criteria detailed on the previous page. For a small business, it may be most appropriate for the business owner to be the FSS.

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

No, although it is best practice that the FSS be on the premises at all times when food handling is being undertaken. If the FSS is away (eg not on shift, on leave, sick), the business must still maintain food safety. The FSS can facilitate this by:

- ~ sharing food safety knowledge with other staff
- ~ displaying signage and posters with key food safety messages
- ~ developing work instructions that staff can follow to continue handling food safely.

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

When do I have to appoint my Food Safety Supervisor?

Businesses will have 12 months to appoint a trained FSS. The Authority expects this 12 month implementation period to begin in September 2010 and conclude in September 2011.

How long do I have to notify?

After appointing a Food Safety Supervisor, businesses have seven days to notify of the appointment.

The business owner must notify the relevant enforcement agency with the details of their FSS either:

- ~ online at the Authority's website www.foodauthority.nsw.gov.au, or
- ~ via a paper-based notification form that must be submitted to the local council.

Paper-based forms are available from the local council. The Authority's website provides details of the relevant enforcement agency for each area.

What if a Food Safety Supervisor leaves?

The business owner must appoint a new Food Safety Supervisor within 30 operational days (ie days that food is processed and sold) of that FSS leaving, or ceasing to act in that role. The business owner must then notify the relevant enforcement agency of the new FSS' details within seven days of their appointment.

What if a Food Safety Supervisor changes their details?

The business owner must notify the relevant enforcement agency of any changes regarding their existing Food Safety Supervisor's contact details within seven days of becoming aware of the changes (eg phone number change, name change).

Is the Food Safety Supervisor solely responsible for food safety in a food business?

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

Business owners/proprietors

- ~ need to put into place effective food safety processes
- ~ need to notify their food business with the local council
- ~ need to ensure their business complies with the Food Standards Code and other food safety requirements
- ~ need to appoint and notify a Food Safety Supervisor
- ~ will continue to be liable, as at present, if a food safety breach does occur

Food handlers

- ~ must have the skills and knowledge relevant to their food duties to keep food safe (eg a chef will need greater food safety skills and knowledge than a waiter or kitchen hand)

Food Safety Supervisor

- ~ nominated by the business owner and works under the direction of the owner
- ~ supervises food handling in the business to make sure it is being done safely
- ~ needs to understand the overall food safety processes of the business as it applies to all staff

What is the difference between food business notification and Food Safety Supervisor notification?

It is law that **all** food businesses in NSW notify the Authority of their food activity details. Notification of food businesses allows the Authority to contact businesses with critical information regarding food recalls and foodborne illness outbreaks. Food business notification can be done online at www.foodnotify.nsw.gov.au or a paper form can be submitted to the Authority directly. Paper forms can also be obtained and lodged with most local councils.

Food Safety Supervisor notification is separate to food business notification as only certain food businesses in the hospitality and retail food service sector need to have an FSS. As local councils regularly inspect these businesses, FSS notification will usually be made to the local council via a paper-based notification form.

Businesses can also notify of their FSS online at the Authority's website. Online FSS notifications will be forwarded to the relevant council. The Authority expects that the online FSS notification system will be available by January 2011.

Food Safety Supervisor certificate

The Food Safety Supervisor certificate is issued by an approved RTO **in addition to** the Statement of Attainment after successful completion of the training requirements.

An FSS certificate states that the person it is issued to is qualified to be a Food Safety Supervisor.

The FSS certificate is valid for five years from the date of issue.

It is a legal requirement that all businesses (even those who do not need to notify their FSS) keep a copy of their FSS certificate on the premises and produce it for inspection on request by an authorised officer.



Summary of roles

Role of businesses

Appoint at least one trained Food Safety Supervisor per premises (or per business for mobile caterers).

Ensure the Food Safety Supervisor obtains a Food Safety Supervisor certificate (by completing Food Safety Supervisor training or by submitting an FSS certificate request form).

Keep a copy of the Food Safety Supervisor certificate on the premises at all times.

Notify the relevant enforcement agency of the details of their Food Safety Supervisor, or any changes to these details, within seven days.

Ensure the Food Safety Supervisor certificate is valid (ie no more than five years old).

Role of local councils

Upon routine inspections of food businesses authorised officers can ask to see a copy of the Food Safety Supervisor certificate.

Councils keep records of the Food Safety Supervisor's details from each food premises.

Councils cannot charge administration fees to businesses for notification or changes to details of their Food Safety Supervisor.

Role of RTOs

Be approved by the NSW Food Authority to deliver Food Safety Supervisor training and issue Food Safety Supervisor certificates.

Comply with the Authority's conditions of approval.

Training requirements

What are the training requirements?

Food Safety Supervisors will need to complete training in units of competency within the Vocational Education and Training (VET) system, and hold a current Food Safety Supervisor certificate. The legislation also requires refresher training every five years.

The FSS must complete two hospitality units or one retail unit as detailed below.

Food sector	National competency code	Competency title
Hospitality and retail food service	Two hospitality units:	
	SITXOHS002A	Follow workplace hygiene procedures
	and	
	SITXFSA001A	Implement food safety procedures
	OR	
	One retail unit:	
	SIRRFSA001A	Apply retail food safety practices

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

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

Where can the FSS be trained?

Training will only be recognised if it is delivered by a Registered Training Organisation (RTO) that has been approved by the Authority.

RTOs approved to deliver the Food Safety Supervisor training and issue Food Safety Supervisor certificates

are published on the Authority's website. Businesses can also contact the council to find out where the nearest approved RTO is.

What is an RTO?

A Registered Training Organisation (RTO) is registered by state and territory training authorities to deliver nationally recognised training, and/or conduct assessments to issue nationally recognised qualifications.

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

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

The Food Safety Supervisor training can generally be completed in one full day (ie face-to-face training). However, the duration of the course will depend on the type of delivery option offered by approved RTOs. The various delivery options offered can include:

- ~ face-to-face
- ~ online
- ~ workplace based
- ~ correspondence
- ~ a combination of the above

There are options available for persons where English is not their first language. Businesses should contact RTOs to find out what services they provide, and source the most suitable training option for their needs.

How much will training cost?

Training course costs are set by individual RTOs. RTOs will issue the Food Safety Supervisor certificates and cannot charge more than \$30 for it.

Penalties for non-compliance

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

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

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

The FSS training is an **additional** requirement for at least **one** person in certain hospitality and retail food service businesses. It does not replace the current mandatory general food handler skills and knowledge requirements for all food handlers.

The NSW FSS requirements align with existing FSS requirements in Victoria and Queensland. This enables qualifications to be recognised across all three states.

Will previous training be recognised?

The Authority may also recognise people who have attained these units of competency on or after 1 January 2007. These people can apply to the Authority for an FSS certificate. If eligible for the certificate, they will not have to redo the training. See the Authority's website to determine if you are eligible.

Persons eligible for an FSS certificate due to previous training must submit an FSS certificate request form, together with a certified copy of their Statement of Attainment and \$30 payment, to the Authority. FSS certificate request forms can be downloaded from the Authority's website or obtained by contacting the Authority's Helpline.

There are four offences that carry penalties if a business does not comply.

Issue of a penalty notice for any of the below offences can be up to \$330 for an individual (eg sole trader) and \$660 for a registered company.

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

Offence

Business does not appoint at least one Food Safety Supervisor per premises (or per business for mobile caterers) within 30 days of the original FSS ceasing to act in that role

Business does not notify the relevant enforcement agency of their Food Safety Supervisor within seven days of their appointment

Business does not notify the relevant enforcement agency of change of details of their Food Safety Supervisor within seven days of becoming aware of the change in the information provided

Business does not keep a copy of the Food Safety Supervisor certificate on the premises and does not produce it for inspection on request by an authorised officer

Steps to complying

Steps for businesses to follow to comply with the new FSS requirements.

1

Determine **whether your business needs an FSS**



2

Choose **who is to be the FSS for your business**



3

FSS obtains the required units of competency (by completing training or by submitting an FSS certificate request form)



4

FSS receives a Statement of Attainment and an FSS certificate. A copy is kept on the premises



5

Notify the relevant enforcement agency (usually the local council)



6

After five years, FSS obtains refresher training