Food Safety

Your legal obligations to provide safe food

In addition to the Education and Care Services National Law, ECEC services that provide food as part of their service will also be required to comply with state and territory food safety legislation.

As a first step, contact your food safety regulator in the state or territory where your ECEC operates to determine to what extent the food legislation applies to you. Depending on your food handling activities and jurisdiction, one of the following scenarios is likely to apply:

1. You do not provide food as part of your service and are therefore not required to register/notify as a food business.
2. You are required to register/notify as a food business and comply with the general requirements of the Food Safety Standards.
3. You are required to register/notify as a food business and implement a food safety program.

The table below provides further details on the intent of the legal requirements stipulated in food legislation that may apply to your ECEC service.

Food allergen management

Effective food allergen management is essential for preventing harm to children with food allergies in ECEC services that prepare or provide meals for children with food allergies. Safe food handling practices must be implemented throughout food preparation, storage and service to prevent the unintended transfer of allergens into meals intended for children with food allergies.

The National Allergy Council has developed a dedicated All about Allergens training course for ECEC. This free course provides additional guidance on food allergen management and may complement food handler training requirements that apply on the relevant food safety legislation.

In addition, some Registered Training Organisations (RTOs) that deliver Food Safety Supervisor training, such as those approved by the NSW Food Authority, have incorporated the National Allergy Council's comprehensive allergen management module into their training.

For ECEC services that have children with food allergies and are required to have a Food Safety Program, allergen management procedures should be incorporated into the Food Safety Program.

TABLE 1: *Food safety principles and outcomes of applicable legal requirements*

Legal requirement	Food safety principles and outcomes
Not required to register/notify as a food business	ECEC services that do not provide food as part of their service are generally not considered food businesses. For example, children bring their own food from home. Some ECEC services that have very minimal handling of low-risk foods may also be in this category.
Register/notify as a food business	Enable food regulators to identify food businesses, apply risk-based regulatory oversight to ensure food safety risks are managed, and to protect public health.
Have a food safety program	Provides a systematic approach to identifying hazards associated with the handling of food, and to ensure controls are implemented to manage those hazards. This requirement typically applies to food businesses that serve food to vulnerable populations (Standards 3.2.1 and 3.3.1).
Comply with the general provisions of the Food Safety Standards	The Food Safety Standards (Standards 3.2.2, 3.2.2A and 3.2.3) set out a risk-based, preventive approach to providing safe and suitable food. The Standards detail the outcomes that must be achieved while providing food businesses with the flexibility to determine how those outcomes are met.
Appoint a Food Safety Supervisor	Ensures food handlers receive appropriate supervision and guidance to support safe food handling practices. The Food Safety Supervisor's additional recognised food safety training enhances their ability to identify, prevent and manage food safety risks effectively.
Provide food safety training for food handlers	Ensures food handlers have the knowledge and skills necessary to handle food safely and maintain appropriate food hygiene practices. This outcome may also be demonstrated through competent practice to an Authorised Officer.
Keep records demonstrating food safety	Enables food businesses to monitor food handling practices, verify that food safety controls are effective, and demonstrate compliance with food safety requirements. This outcome may also be demonstrated through competent practice to an Authorised Officer.

Continuous improvement and building a strong food safety culture

Complying with the food safety legislation should be more than a box-ticking exercise. While documented procedures, records and inspections are important, they are only effective when they are consistently put into practice. A food safety system is only as strong as the people who implement it every day.

When non-compliances occur, the immediate issue is often only a symptom of a deeper problem. The underlying cause is frequently related to behaviours, attitudes, leadership, communication or the overall food safety culture within the business. Addressing these root causes leads to more sustainable improvements and helps prevent the same issues from recurring. A practical approach to continuous improvement is the Know–Do–Follow Through model.

Know

Understand where your organisation currently stands: Regularly review food safety practices, identify risks, investigate incidents and non-compliances, and encourage staff to report concerns without fear of blame.

Do

Implement meaningful improvements: This may include improving procedures, providing additional training, strengthening supervision, clarifying responsibilities, or removing barriers that make safe practices difficult to follow.

Follow through

Monitor whether the improvements have been effective: Review trends, verify that changes have been embedded into daily practice, and continue refining systems as new risks and opportunities are identified. Continuous improvement is an ongoing process rather than a one-off activity.

Building a strong food safety culture requires visible leadership and commitment from management, supported by adequate resources such as sufficient staffing, appropriate equipment, time for training, and effective communication. When people have the knowledge, tools and support to perform their roles safely, safe food handling becomes the normal way of working rather than a compliance obligation. A positive food safety culture encourages everyone to take ownership of food safety, speak up about potential risks, and continually look for opportunities to improve.

For resources, visit the FSANZ Food Safety Culture webpage.

YOUR FOOD SAFETY REGULATORS

The primary point of contact for ECECs regarding food safety legislation and regulatory requirements are as follows:

- **ACT:** ACT Government – Health Protection Service
- **NSW:** NSW Food Authority
- **NT:** NT Department of Health
- **QLD:** Local Government where the ECEC service is located
- **SA:** Local Government where the ECEC service is located
- **TAS:** Local Government where the ECEC service is located
- **VIC:** Local Government where the ECEC service is located
- **WA:** Local Government where the ECEC service is located

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