

NORTHERN TERRITORY OF AUSTRALIA

FOOD (ADMINISTRATION) REGULATIONS

As in force at 1 May 1997

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 May 1997

FOOD (ADMINISTRATION) REGULATIONS

Regulations under the *Food Act*

1 Citation

These Regulations may be cited as the *Food (Administration) Regulations*.

2 Forms

A reference in these Regulations to a form by number is a reference to the form so numbered in the Schedule.

3 Certificate of analyst

For the purposes of section 15(1) of the Act, the certificate of the analyst giving the results of the analysis of food submitted to him shall be in accordance with Form 1.

4 Sealing, &c., and marking of container or package

For the purposes of section 18(b) of the Act, a container or package containing a sample or part of a sample shall:

- (a) be fastened or sealed by an adhesive paper seal, and/or an adhesive pressure sensitive tape, inscribed with the words "NT Department of Health and Community Services", whichever the authorised officer considers suitable on account of the nature of the container or package; and
- (b) bear a label on which is written the sample number and a description of the food sampled, and which is signed and dated by the authorised officer.

5 Prescribed particulars

For the purposes of section 18(c) of the Act, the prescribed particulars that an authorised officer must endorse on the approved form accompanying a container or package containing a sample or part of a sample are:

- (a) the name, title and office address of the authorised officer;
- (b) the date the authorised officer obtained the sample;
- (c) a description of the sample, including (if considered to be relevant by the authorised officer) the temperature of the food sampled at the time the sample was obtained;
- (d) the details of the storage of the sample from the time it was obtained until it was delivered or posted to the analyst;
- (e) the method of packaging the sample and of the sealing of the sample;
- (f) the method of labelling the sample;
- (g) the method of delivery of the sample to the analyst and the date and time it was delivered (if delivered personally to the analyst) or posted (if sent by registered mail to the analyst);
- (h) the purpose of the analysis to be carried out on the sample; and
- (j) any other matters the authorised officer considers will assist in the analysis of the sample.

6 Forms for seizure and detention of article

Where an article is seized and detained under section 8 of the Act:

- (a) the notice of the seizure and detention of the article given by the authorised officer under section 24 of the Act shall be in accordance with Form 2; and
- (b) an application under section 26 of the Act to a court for an order directing the authorised officer to release the article shall be in accordance with Form 3.

Schedule

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

section 15(1)

Food Act

regulation 3

Food (Administration) Regulations

CERTIFICATE OF ANALYSIS

I, of
(Name of Analyst) (Address of Analyst)
being a person appointed to be an analyst for the purpose of the *Food Act*,
certify that on.....
(Date)

I received by *hand/registered post in good order the container/package
herein described from:

.....
(Name and address of authorised officer presenting sample for analysis)

A sample

.....
(Description of sample, container/package containing sample and seals used
and marking of container)

I have *analysed/supervised the analysis of the sample and the results of the
analysis are as follows:

.....
.....

* Strike out words which are not applicable

Dated 199 .

.....
Analyst's signature

Certificate No.

FORM 2

NORTHERN TERRITORY OF AUSTRALIA

section 24

Food Act

regulation 6

Food (Administration) Regulations

NOTICE OF SEIZURE AND DETENTION

To(Name)
of(Address)

I, an authorised officer under the *Food Act* hereby give notice that I have at*a.m./p.m. this day seized and detained the *article/articles described below.

Description of *article/articles

.....
.....

Grounds for seizure of *article/articles

.....
.....

IMPORTANT NOTICE IN RELATION TO SEIZURE OF ARTICLE(S)

Unless you or a person claiming ownership of the article or articles apply to a magistrate within 72 hours after this seizure for an order for release of the detained article(s) in accordance with Form 3 in the Schedule to the *Food (Administration) Regulations* the seized and detained article(s) shall become the property of the Territory and shall be destroyed or otherwise disposed of.

NOTE: under section 26 of the Act, if you make an application to a magistrate, you must also promptly give a copy of the application to the Chief Health Officer.

Date

Signature of Authorised Officer

Address of Authorised Officer

Signature of *proprietor/owner of article(s)

* (Strike out words which are not applicable)

FORM 3

NORTHERN TERRITORY OF AUSTRALIA

section 26

Food Act

regulation 6

Food (Administration) Regulations

APPLICATION FOR AN ORDER FOR RELEASE OF A SEIZED ARTICLE

To the Magistrates Court at

I, of
(Name) (Address)

apply for an order directing the release from detention of the *article/articles described below which were seized on (Date) at (Address) and detained by an authorised officer under section 24 of the *Food Act*.

Description of article or articles;
.....
.....

Name of authorised officer who seized and detained the article or articles:
.....

Reason(s) for application:

- * The authorised officer did not have any reasonable grounds for believing the *article was/articles were in contravention of any provision of the *Food Act*.
- * The *article was/articles were not in contravention of any provision of the *Food Act*.

Signature Date

* Strike out whichever is not applicable.

NOTE:

1. Applications for an order directing the release of the detained article(s) must be made within 72 hours of the seizure of the article(s); and
2. The applicant must promptly after making an application give a copy of the application to the Chief Health Officer.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Food (Administration) Regulations (SL No. 20, 1995)

Notified	14 June 1995
Commenced	14 June 1995

Statute Law Revision Act 1997 (Act No. 17, 1997)

Assent date	11 April 1997
Commenced	s 16: nc; rem: 1 May 1997 (Gaz G17, 30 April 1997, p 2)

3 LIST OF AMENDMENTS

sch amd Act No. 17, 1997, s 18