

NORTHERN TERRITORY OF AUSTRALIA

FOOD REGULATIONS 2014

As in force at 1 August 2019

Table of provisions

Part 1 Preliminary matters

| | | |
|---|--------------------|---|
| 1 | Citation | 1 |
| 2 | Commencement | 1 |
| 3 | Definitions | 1 |

Part 1A Risk classification of food business

| | | |
|---|---|---|
| 1 | 3A Northern Territory Food Business Risk Classification | 1 |
| 2 | 3B Risk classification | 2 |

Part 2 Fees

| | | |
|---|--|---|
| 3 | 4 Registration fee | 2 |
| 4 | 4A Renewal fee | 2 |
| 5 | 4B Fee for variation of conditions of registration of food business | 2 |

Part 3 Infringement notice offences

| | | |
|----|---|---|
| 5 | Infringement notice offence and prescribed amount payable | 2 |
| 6 | When infringement notice may be given | 3 |
| 7 | Contents of infringement notice | 3 |
| 9 | Withdrawal of infringement notice | 4 |
| 10 | Application of Part | 4 |

Schedule 1 Registration fee

Schedule 1A Renewal fee

Schedule 1B Fee for variation of conditions of registration

Schedule 2 Infringement notice offences and prescribed amounts

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 August 2019

FOOD REGULATIONS 2014

Regulations under the *Food Act 2004*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Food Regulations 2014*.

2 Commencement

These Regulations commence on 1 January 2015.

3 Definitions

In these Regulations:

CHO, means the Chief Health Officer.

infringement notice, see regulation 6.

infringement notice offence, see regulation 5(1).

prescribed amount, see regulation 5(2).

risk classification, of a food business, means the classification determined under regulation 3B.

Part 1A Risk classification of food business

1 3A Northern Territory Food Business Risk Classification

- (1) For section 135(3)(a) of the Act, the Northern Territory Food Business Risk Classification is a tool used to classify food businesses on the basis of food safety risks.
- (2) For section 135(3)(b) of the Act, the Northern Territory Food Business Risk Classification, as in force from time to time, applies on and from the commencement of this Regulation.

(3) For section 135(3)(c) of the Act, the Northern Territory Food Business Risk Classification:

- (a) must be available for inspection at the Agency's office during normal business hours; and
- (b) must be published on the Agency's website.

2 3B Risk classification

The Agency may classify a food business in accordance with the Northern Territory Food Business Risk Classification.

Part 2 Fees

3 4 Registration fee

For section 71(2)(c) of the Act, the prescribed fee for a food business with a risk classification specified in Schedule 1, is as specified in Schedule 1 for each premises where the operation of the food business will be carried on.

4 4A Renewal fee

For section 75(2)(b) of the Act, the prescribed fee for a food business with a risk classification specified in Schedule 1A, is as specified in Schedule 1A for each premises where the operation of the food business will be carried on.

5 4B Fee for variation of conditions of registration of food business

For section 78(5)(b) of the Act, the prescribed fee for a food business with a risk classification specified in Schedule 1B, is as specified in Schedule 1B.

Part 3 Infringement notice offences

5 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 2.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 2.

6 When infringement notice may be given

If an authorised officer reasonably believes a person has committed an infringement notice offence, the authorised officer may give a notice (an ***infringement notice***) to the person.

7 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date, time and place of the infringement notice offence;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to whom or to which the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
 - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
 - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*, including (but not limited to) action for the following:
 - (i) suspending the person's licence to drive;
 - (ii) seizing personal property of the person;
 - (iii) deducting an amount from the person's wages or salary;
 - (iv) registering a statutory charge on land owned by the person;

- (v) making a community work order for the person and imprisonment of the person if the person breaches the order.

- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

8 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the enforcement agency's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

9 Withdrawal of infringement notice

- (1) The CHO may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
 - (a) within 28 days after the infringement notice is given to the person; and
 - (b) before payment of the prescribed amount.

10 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
 - (a) require an infringement notice to be given; or
 - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Schedule 1 Registration fee

regulation 4

| Risk classification | Fee per premises (revenue units) |
|----------------------------|---|
| Priority 1 (P1) | 180 |
| Priority 2 (P2) | 90 |
| Priority 3 (P3) | 45 |
| Priority 4 (P4) | 0 |

Schedule 1A Renewal fee

regulation 4A

| Risk classification | Fee per premises (revenue units) |
|----------------------------|---|
| Priority 1 (P1) | 145 |
| Priority 2 (P2) | 70 |
| Priority 3 (P3) | 35 |
| Priority 4 (P4) | 0 |

Schedule 1B Fee for variation of conditions of registration

regulation 4B

| Risk classification | Fee (revenue units) |
|----------------------------|----------------------------|
| Priority 1 (P1) | 90 |
| Priority 2 (P2) | 45 |
| Priority 3 (P3) | 22 |
| Priority 4 (P4) | 0 |

Schedule 2 Infringement notice offences and prescribed amounts

regulation 5

| Provision | Prescribed amount (penalty units) | |
|---------------------------------|-----------------------------------|--------------------|
| | for individual | for body corporate |
| <i>Food Act 2004</i> | | |
| section 15(1) and (2) | 5 | 25 |
| section 16(1) and (2) | 4 | 20 |
| section 17(1), (2) and (3) | 3 | 15 |
| section 18(1) | 3 | 15 |
| section 19(1), (2) and (3) | 3 | 15 |
| section 20(1), (2), (3) and (4) | 3 | 15 |
| section 32(4) | 3 | 15 |
| section 46 | 5 | 25 |
| section 52(1) | 2 | 10 |
| section 53 | 2 | 10 |
| section 70 | 2 | 10 |
| section 71(1) | 1 | 5 |
| section 73(3) | 2 | 10 |
| section 75(5) | 2 | 10 |
| section 79(7) | 2 | 10 |
| section 82 | 1 | 5 |
| section 83(1) | 2 | 10 |
| section 102 | 3 | 15 |
| section 106 | 1 | 5 |
| section 107 | 3 | 15 |

ENDNOTES

1 KEY

Key to abbreviations

| | |
|-----------------------------|------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| <i>Gaz</i> = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION

Food Regulations (SL No. 46, 2014)

| | |
|-----------|----------------------|
| Notified | 24 December 2014 |
| Commenced | 1 January 2015 (r 2) |

Food Amendment Regulations 2019 (SL No. 18, 2019)

| | |
|-----------|---------------------|
| Notified | 31 July 2019 |
| Commenced | 1 August 2019 (r 2) |

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 7 and Sch 2.

| | |
|-------------|-----------------------|
| r 3 | amd No. 18, 2019, r 4 |
| pt 1A hdg | ins No 18, 2019, r 5 |
| rr 3A – 3B | ins No 18, 2019, r 5 |
| pt 2 hdg | sub No 18, 2019, r 5 |
| r 4 | sub No. 18, 2019, r 5 |
| rr 4A – 4B | ins No. 18, 2019, r 5 |
| r 8 | sub No. 18, 2019, r 7 |
| r 9 | amd No. 18, 2019, r 8 |
| sch 1 | sub No. 18, 2019, r 9 |
| sch 1A – 1B | ins No. 18, 2019, r 9 |