



## NORTHERN TERRITORY OF AUSTRALIA

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No. 73 of 1983

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### AN ACT

To amend the *Food and Drugs Act*

[Assented to 28 November 1983]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Food and Drugs Amendment Act 1983*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Food and Drugs Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 5 of the Principal Act is amended -

(a) by inserting before the definition of "Authorised" the following:

"'aircraft' means a machine or apparatus that can derive support in the atmosphere from the reactions of the air or from buoyancy but does not include a hovercraft;

'approved' means approved by an Inspector;";

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(b) by omitting from the definition of "Chief Medical Officer" the words "*Public Health Act*;" and substituting "*Public Health Act* and includes his delegates under that Act;"

(c) by omitting the definition of "place" and substituting the following:

"'pet meat' means pet meat within the meaning of the *Pet Meat Act*;

'place' includes an aircraft, vehicle, vessel or premises other than a private dwelling-house where food is not prepared for sale;" and

(d) by adding at the end the following:

"'transport', in relation to food, means to convey by aircraft, vehicle or vessel;

'vehicle' means a motor vehicle within the meaning of the *Motor Vehicles Act*;

'vessel' includes a ship, boat, hovercraft, raft or pontoon and any other thing capable of carrying persons or goods through or on water."

5. POWERS OF INSPECTION AND SAMPLING

Section 21 of the Principal Act is amended -

(a) by inserting before sub-section (1) the following:

"(1AA) For the purposes of this Act, an Inspector or authorised officer may, at any time enter and inspect any place.";

(b) by omitting from sub-section (1) "(1) Any Inspector or authorised officer may" and substituting the following:

"(1) Without limiting the generality of sub-section (1AA), an Inspector or authorized officer may";

(c) by omitting from sub-section (1)(f) "containing the same; and" and substituting the following:

"containing the same;

(fa) direct or cause a person who is, or whom he believes on reasonable grounds to be, in charge of an aircraft, vehicle or vessel used for the transportation of food, to make the aircraft, vehicle or vessel and its contents available for inspection by an Inspector;

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- (fb) direct the person in charge of an aircraft, vehicle or vessel, which he believes on reasonable grounds was, or is being, used for transporting food otherwise than in accordance with this Act or the Regulations, to take the aircraft, vehicle or vessel to, and remain at, a place specified by the Inspector;
- (fc) confiscate, condemn, destroy or dispose of any food which is defective, diseased, contaminated or unfit for human consumption or which he believes on reasonable grounds is defective, diseased, contaminated or unfit for human consumption and issue a prescribed certificate in relation to that food; and";
- (d) by inserting after sub-section (1A) the following:

"(1B) Where an Inspector incurs any expense in pursuance of sub-section (1)(fc), the amount of the expense may be recovered from the owner of the food as a debt due and payable by him to the Territory.";
- (e) by omitting sub-section (2);
- (f) by omitting sub-section (5); and
- (g) by inserting in sub-section (8), after "this section," the words "other than food confiscated under sub-section (1)(fc),".

6. NEW SECTION

The Principal Act is amended by inserting in Part IV after section 21 the following:

"21A. LIABILITY FOR ACTS

"Where an Inspector does an act or makes an omission in good faith -

- (a) in the exercise or purported exercise of a power; or
- (b) in the performance or purported performance of a function,

under this Act, no action, claim or demand, either civil or criminal, in respect of that act or omission lies, or shall be commenced or allowed, against the Crown, Chief Medical Officer or an Inspector."

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7. PROHIBITION OF SALE OF FOOD IN STREETS

Section 32 of the Principal Act is amended by adding at the end the following:

"(2) The Chief Medical Officer shall not give his permission under sub-section (1) unless he is satisfied that the display or sale of food, the subject of his permission, is conducted in accordance with approved standards of hygiene and methods of temperature control."

8. CONSTRUCTION OF VEHICLES

Section 44 of the Principal Act is amended by adding -

(a) after "delivery" the words "for sale"; and

(b) at the end the following:

"(2) A person shall not transport any chilled or frozen food for sale or delivery for sale unless the aircraft, vehicle or vessel in which the food is being transported is equipped with suitable apparatus to maintain approved standards of hygiene and methods of temperature control."

9. NEW SECTION

The Principal Act is amended by inserting after section 44 the following:

"44A. TRANSPORTING FOOD

"A person shall not transport food for sale unless -

(a) he has complied with the conditions, if any, prescribed under this Act or any other law in force in the Territory that apply to the type of food transported; and

(b) the food is kept in a fresh, frozen or chilled state or under conditions that ensure that it does not deteriorate during transportation."

10. CERTAIN MATTERS FORBIDDEN

Section 76 of the Principal Act is amended by inserting after paragraph (b) the following:

"(ba) not permit any meat for human consumption to be stored with unprocessed pet meat;"

11. NEW SECTION

The Principal Act is amended by inserting after section 76 the following:

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"76A. SEPARATE STORAGE OF FOOD FOR HUMAN CONSUMPTION

"(1) A person who stores or keeps, or permits the storage or keeping of food for sale for human consumption shall at all times store or keep that food in a separate compartment from pet meat.

"(2) Where an Inspector believes on reasonable grounds that, at or on any place, food for sale for human consumption is not stored and kept in a separate compartment from pet meat, he may, in accordance with section 21(1)(a) enter that place and instruct the person who stores or keeps the food relating to its storage or keeping, and the person shall carry out the instructions of the Inspector within the time specified in the instructions."

12. OBLIGATIONS OF TENANT OF COLD-STORE CHAMBERS

Section 77 of the Principal Act is amended by inserting after paragraph (d) the following:

"(da) not keep or have in a chamber rented by him for the storage of meat for human consumption any unprocessed pet meat;"

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