

NORTHERN TERRITORY OF AUSTRALIA

STOCK FOODS ACT

No. 92 of 1981

TABLE OF PROVISIONS

Section

PART I - PRELIMINARY

1. Short title
2. Commencement
3. Transitional
4. Definitions
5. Exemption for certain importers

PART II - CHIEF INSPECTOR, INSPECTORS AND ANALYSTS

6. Chief Inspector
7. Inspectors
8. Analysts
9. Delegation

PART III - CONTROL OF STOCK FOOD

Division 1 - Registration of Stock Food

10. Restriction on sale of stock food in Territory
11. Application for registration of stock food
12. Determination of application
13. Exemption for experimental stock food
14. Duration and renewal of registration
15. Transfer of certificate of registration

Division 2 - Labelling of Stock Food

16. Label to be affixed to package
17. Warranty on sale

Division 3 - Offences

18. Offences

PART IV - SAMPLING AND ANALYSIS OF STOCK FOOD

Division 1 - Sampling of Stock Food

19. Chief Inspector may make orders
20. Taking of sample by inspector
21. Method of dealing with sample taken
22. Person may require sample taken

Division 2 - Analysis of Sample

- 23. Analyst to analyse sample and make report of analysis
- 24. Use of report of analysis

Division 3 - General Offences

- 25. General offences

PART V - MISCELLANEOUS

- 26. Cancellation of registration
- 27. Forfeiture
- 28. Court may award costs
- 29. Instigation of prosecutions
- 30. Protection of inspectors and analysts
- 31. Service
- 32. Duplicate certificate of registration
- 33. Regulations



NORTHERN TERRITORY OF AUSTRALIA

No. 92 of 1981

AN ACT

To regulate the preparation and sale of stock foods,
and for other purposes

[Assented to 21 September 1981]

BE 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:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Stock Foods Act 1981.

2. COMMENCEMENT

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

3. TRANSITIONAL

(1) A person who, immediately before the date of commencement of this Act -

- (a) was a manufacturer, importer or vendor of a stock food; and
- (b) who, on that date, had stockpiles of a stock food in the Territory,

may, in the Territory, dispose of that stock food, whether by sale or otherwise -

- (c) until the expiration of 6 months after the date of commencement of this Act; or
- (d) in the case of a manufacturer or importer of that stock food who has made, in accordance with sub-section (2), an application under section 11(1) to register that stock food and that application has been refused under section 12(1)(b) - until the date he is notified under section 12 of that refusal,

Stock Foods

whichever is the later date, without that stock food -

(e) being registered; or

(f) complying with the prescribed standards.

(2) A manufacturer or importer of a stock food referred to in sub-section (1) may, not later than 28 days before the expiration of the period specified in sub-section (1)(c), make an application for registration of that stock food in accordance with section 11(1).

(3) Where a person has a stock food referred to in sub-section (1) and, but for this sub-section, the person would not be able to dispose of the stock food, that person may dispose of that stock food in an approved manner.

4. DEFINITIONS

In this Act, unless the contrary intention appears -

"additive" means a substance or combination of substances added to the basic feed mix for stock for a specific purpose, and includes antibiotics, coccidiostats and other drugs, amino acids, colouring matter, enzymes, flavouring material, minerals, vitamins and yolk pigments, and includes a substance or combination of substances prescribed to be an additive for the purposes of this Act;

"adulterant" means a substance, mixed with or forming part of a stock food, which is of inferior quality to the usual quality of that substance or has injurious properties, and includes a substance or thing prescribed as an adulterant for the purposes of this Act;

"advertisement" means a method of conveying information concerning a stock food, whether by oral, written or visual means;

"analysis" means an examination or other test or determination relative to the standard of or the quality or composition of a product required to be ascertained for the purposes of this Act, and includes chemical, biological and bacteriological assays and any other approved analysis;

"analyst" means a person appointed under section 8(1) to be an analyst for the purposes of this Act;

"approved" means approved by the Chief Inspector;

"by-product" means a product produced from stock, a plant or a mineral in a process of treatment or manufacture, not being the primary object of such a process, and includes any other substance, matter or thing used in the feeding of stock prescribed as a by-product for the purposes of this Act;

Stock Foods

"certificate of registration" means a certificate of registration or renewal of registration of a stock food issued under section 12(4);

"Chief Inspector" means the Chief Inspector of Stock Foods appointed under section 6 for the purposes of this Act, and includes a person appointed under that section to act as the Chief Inspector;

"container" includes a basket, tray, wrapper, bottle or receptacle of any kind, whether open or closed, in or with which a stock food is or is intended to be contained, covered, enclosed or packed and, in the case of a bulk consignment, includes a vehicle used as a container;

"importer" means a person who introduces into the Territory a stock food for use, sale or distribution;

"ingredient" includes the grain, seed, chaff, oil, juice, meat, milk product, salt or other like substance, vitamin and additives from which a mixed, concentrated or prepared stock food, or a by-product, is manufactured;

"inspector" means a person appointed under section 7(1) to be an inspector of stock foods for the purposes of this Act, and includes the Chief Inspector;

"label" means a brand, tag, stamp, mark or statement in writing, however effected, affixed to, or contained within, or used or intended to be used in connection with, a container for the packaging of a stock food;

"manufactured stock food" means stock food prepared, whether in whole or in part, from an ingredient, and includes a condimental, patented or proprietary stock food possessing, or purported to possess, nutritive properties;

"manufacturer" means a person who produces manufactured stock food in the Territory;

"package" means a sack, barrel, case, packet or parcel, in or by which a stock food is contained or, where a stock food is sold without a container or external covering, a bale, block, cake or slab;

"premises" means a place in which a stock food is manufactured, stored, sold, or held in respect of which there are reasonable grounds for believing it is so used;

"registered" means registered under section 12;

"report of analysis" means a report made in pursuance of section 23;

Stock Foods

"sell" includes -

- (a) sell, whether by wholesale or retail, barter or exchange;
- (b) agreeing to sell or offering or exposing for sale;
- (c) receiving, keeping or having in possession for sale; or
- (d) sending, forwarding or delivering for or on sale;

"stock" means a member of the animal kingdom other than man;

"stock food" means -

- (a) manufactured stock food;
- (b) a by-product;
- (c) a stock lick; and
- (d) any other substance declared by the Minister, by notice in the Gazette, to be a stock food for the purposes of this Act,

but does not include a stock food granted an exemption under section 13;

"stock lick" means a preparation consisting of or containing a mineral salt or salts and purported to supply, or primarily intended to supply, mineral matter to stock;

"vehicle" means any type of conveyance and includes a vehicle within the meaning of the Motor Vehicles Act, an aircraft, a vessel, a train, a horse and dray, and a horse.

5. EXEMPTION FOR CERTAIN IMPORTERS

(1) Subject to sub-section (2), where a person imports a stock food into the Territory from another State or Territory of the Commonwealth, and the stock food -

- (a) is manufactured, labelled and registered in accordance with the law in force in that State or Territory; and

- (b) complies with the prescribed standards,

that stock food shall be deemed to be registered under and for the purposes of this Act.

(2) The Chief Inspector may, by notice in the Gazette, order that a stock food referred to in sub-section (1) shall not be imported into, or sold in, the Territory, unless it is registered in accordance with this Act, on or before the date specified in that notice.

Stock Foods

(3) A person shall not import into, or sell in, the Territory, a stock food the subject of an order under sub-section (2) after the date specified in the notice referred to in that sub-section, unless the stock food is registered.

Penalty: \$1,000.

PART II - CHIEF INSPECTOR, INSPECTORS AND ANALYSTS

6. CHIEF INSPECTOR

(1) The Minister shall, by notice in the Gazette, appoint a person to be the Chief Inspector of Stock Foods for the purposes of this Act.

(2) Where -

(a) there is, or is expected to be, a vacancy in the office of Chief Inspector; or

(b) the Chief Inspector is, or is expected to be, absent from the Territory or unable to act,

the Minister may, by notice in writing, appoint a person to act as the Chief Inspector during that vacancy, absence or inability to act, as the case may be.

7. INSPECTORS

(1) The Minister may, by notice in the Gazette, appoint a person to be an inspector of stock foods for the purposes of this Act.

(2) An inspector is subject to the control and direction of the Chief Inspector.

8. ANALYSTS

(1) The Minister may, by notice in the Gazette, appoint a person to be an analyst for the purposes of this Act.

(2) In proceedings for an offence against this Act, a certificate purporting to be signed by the Minister stating that -

(a) a person named in the certificate was, on a specified date, an analyst; and

(b) the appointment of that analyst was a general appointment or that the appointment was for a specific purpose and stating that purpose,

is conclusive evidence that the person so named was, on the specified date, an analyst, or is an analyst, for the purpose specified in the certificate.

Stock Foods

9. DELEGATION

(1) The Chief Inspector may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Chief Inspector.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chief Inspector.

PART III - CONTROL OF STOCK FOOD

Division 1 - Registration of Stock Food

10. RESTRICTION ON SALE OF STOCK FOOD IN TERRITORY

Subject to sections 3(1) and 5, a person shall not manufacture, import or sell a stock food in the Territory unless the stock food -

(a) has been registered; and

(b) complies with the prescribed standards,

and, in the case of a person who is a manufacturer or importer of a stock food, unless he holds a certificate of registration in respect of that stock food.

Penalty: For a first offence - \$500 or imprisonment for 3 months;

for a second offence - \$1,000 or imprisonment for 6 months; and

for a third or subsequent offence - \$2,000 or imprisonment for 12 months.

11. APPLICATION FOR REGISTRATION OF STOCK FOOD

(1) Subject to sections 3(2) and 5, a person who is a manufacturer or importer shall -

(a) within 30 days after the commencement of this Act; or

(b) within 30 days after commencing business as a manufacturer or importer,

make an application for registration of the stock food, in the approved form accompanied by the prescribed fee, to the Chief Inspector.

Stock Foods

(2) Unless otherwise approved, an application for the renewal of the registration of a stock food shall be made in the approved form accompanied by the prescribed fee to the Chief Inspector not later than 28 days before the expiry of the registration of that stock food.

(3) An application under sub-section (1) or (2) shall include particulars of -

- (a) the name and principal place of business of the applicant;
- (b) the distinguishing name, if any, of the stock food;
- (c) the name of each ingredient in the stock food;
- (d) a chemical analysis of the stock food stating, if any -
 - (i) the minimum percentage of crude protein;
 - (ii) the maximum and minimum percentage of crude fat;
 - (iii) the maximum and minimum percentage of crude fibre;
 - (iv) the maximum and minimum percentage of calcium;
 - (v) the maximum and minimum percentage of phosphorus;
 - (vi) the maximum and minimum percentage of sodium chloride; and
 - (vii) the quantity and chemical name of each additive; and
- (e) such other information as the Chief Inspector requires.

(4) An application under sub-section (1) shall be accompanied by a statutory declaration by the applicant verifying that the particulars given under sub-section (3) are correct.

12. DETERMINATION OF APPLICATION

(1) Subject to this section and section 13, the Chief Inspector may, by notice in writing served on an applicant, determine an application under section 11 by -

- (a) registering or renewing the registration of a stock food; or
- (b) refusing to register or renew the registration of a stock food.

(2) Subject to sub-section (3), the Chief Inspector shall not refuse to register or renew the registration of a stock food unless the particulars required to be given under section 11(3) in respect of the stock food indicate that that stock food does not comply with the prescribed standards.

Stock Foods

(3) The Chief Inspector shall refuse to register a stock food where the applicant has had a certificate of registration cancelled under section 26 in respect of that stock food.

(4) Where the Chief Inspector registers or renews the registration of a stock food under sub-section (1)(a), he shall issue a certificate of registration or renewal of registration of the stock food to the applicant with the notice referred to in sub-section (1) and the certificate of registration or renewal of registration shall have endorsed on it the particulars required to be given under section 11(3) by that applicant.

(5) Where the Chief Inspector refuses to register or renew the registration of a stock food under sub-section (1)(b), he shall, in the notice referred to in sub-section (1), set out the reasons for that refusal.

13. EXEMPTION FOR EXPERIMENTAL STOCK FOOD

(1) Where -

- (a) an application is made under section 11 in respect of a stock food which does not comply with the prescribed standards; and
- (b) the applicant specifies, in the statutory declaration required by section 11(4) to accompany the application, that the stock food is not to be used other than for experimental purposes,

the Chief Inspector may, by notice in writing to that applicant, exempt that stock food from the requirements of this Act.

(2) Where an exemption is granted under sub-section (1), it may be granted unconditionally, or subject to such conditions as the Chief Inspector thinks fit.

(3) Without limiting the generality of sub-section (2), where a stock food is granted an exemption under sub-section (1), the Chief Inspector may make conditions in relation to -

- (a) the manner in which the stock food shall be used in relation to stock;
- (b) the inspection of that stock food and of stock which have been fed that stock food;
- (c) the duration of the exemption;
- (d) the disposal, whether by sale or otherwise, of that stock food; and
- (e) the disposal, whether by sale or otherwise, of stock which have been fed that stock food.

Stock Foods

14. DURATION AND RENEWAL OF REGISTRATION

(1) The registration of a stock food shall take effect on the date on which the certificate of registration is issued and shall, subject to this Act and the Regulations, continue in force for 2 years from that date.

(2) Where the Chief Inspector renews the registration of a stock food, the registration as renewed shall continue in force for 2 years commencing on the date on which, but for the renewal, the registration would have expired.

15. TRANSFER OF CERTIFICATE OF REGISTRATION

(1) A manufacturer or importer of a stock food -

(a) who is the holder of a certificate of registration in respect of the stock food; and

(b) who disposes, whether by sale or otherwise, of the manufacturing or importing business relating to that stock food,

shall, not later than 14 days after the disposal of that business, deliver the certificate of registration of that stock food, together with particulars of the name and address of the new owner of that business, to the Chief Inspector.

Penalty: \$500.

(2) Where the Chief Inspector receives a certificate of registration and particulars referred to in sub-section (1), he shall -

(a) endorse the name and address of the new owner of the business on the certificate of registration; and

(b) deliver the endorsed certificate of registration to the new owner of the business.

Division 2 - Labelling of Stock Food

16. LABEL TO BE AFFIXED TO PACKAGE

(1) Subject to sub-section (3), a manufacturer, importer or vendor of a stock food, other than a stock food referred to in section 5, shall -

(a) securely and conspicuously affix or cause to be affixed to a package containing the stock food, a label; or

(b) give or cause to be given to the purchaser, at the time the stock food is sold or delivered, an invoice,

in accordance with sub-section (2).

Stock Foods

(2) Subject to sub-section (3), a label or invoice referred to in sub-section (1) shall specify, in relation to the stock food -

- (a) the distinguishing name, if any;
- (b) the name of the manufacturer;
- (c) the net weight of the package;
- (d) where applicable, directions and warnings as to use; and
- (e) such other particulars as are prescribed.

(3) Sub-sections (1) and (2) shall not apply where a vendor opens a package labelled in accordance with this section in order to sell a portion of the stock food contained in the package without altering, adding to or subtracting from, the ingredients of that stock food.

17. WARRANTY ON SALE

(1) A label affixed, or an invoice given, in accordance with section 16 shall, notwithstanding a contract or notice to the contrary, have effect as a written warranty by the vendor that the particulars specified on the label or invoice, in respect of the stock food to which it relates, are correct.

(2) A statement made by the vendor as to the amount of nutritive or other ingredients of a stock food -

- (a) in a written document relating to the stock food and given to the purchaser; or

- (b) in a circular or advertisement describing the stock food,

shall have effect as a warranty by the seller that the particulars specified in the written document, circular or advertisement, in relation to that stock food, are correct.

(3) An action on a warranty referred to in this section shall not lie for a misstatement in the warranty as to a particular given in respect of a stock food, or as to the amount of an ingredient specified in respect of a stock food, where the misstatement does not exceed the prescribed limits of variation in relation to the particular or amount but, where the misstatement exceeds the prescribed limits of variation, the right of the purchaser under the warranty shall not be affected by those limits of variation.

Division 3 - Offences

18. OFFENCES

(1) Subject to sub-section (2) and section 16(3), a person who -

- (a) sells a stock food without affixing a label, or giving an invoice, in accordance with section 16;

Stock Foods

(b) sells a stock food where the label affixed to the stock food, or the invoice given with the stock food, is false in a material particular; or

(c) sells a stock food which contains an adulterant,
is guilty of an offence.

Penalty: \$2,000 or imprisonment for 12 months.

(2) It is a defence to a prosecution for an offence against sub-section (1)(b) if the accused person establishes that -

(a) he purchased the stock food sold from a person in the Territory and received a written warranty or invoice in respect of that purchase;

(b) the warranty or invoice contained the false statement;

(c) he had no reason to believe at the time that he sold the stock food that the statement was false; and

(d) he sold the stock food in the condition in which it was when he purchased it.

PART IV - SAMPLING AND ANALYSIS OF STOCK FOOD

Division 1 - Sampling of Stock Food

19. CHIEF INSPECTOR MAY MAKE ORDERS

(1) Where -

(a) a report of analysis shows that; or

(b) in the opinion of the Chief Inspector,
a stock food does not comply with the prescribed standards, the Chief Inspector may, by notice in writing served on a person, order the person to cease -

(c) manufacturing the stock food;

(d) importing the stock food;

(e) selling the stock food; or

(f) using the stock food to feed stock, whether owned by that person or not.

(2) A person who has been served with a notice under sub-section (1) shall not, while the order is in force, manufacture, import, sell or otherwise use a stock food to which the order relates.

Penalty: \$2,000 or imprisonment for 12 months.

Stock Foods

- (3) An order under sub-section (1) shall remain in force until -
- (a) the person specified in the order is able to show, to the satisfaction of the Chief Inspector, that the stock food complies with the prescribed standards; or
 - (b) a withdrawal of the order is made in accordance with sub-section (5).
- (4) Where the Chief Inspector makes an order under sub-section (1) for the purposes of sub-section (1)(b), he shall, immediately after making that order -
- (a) direct an inspector to take a sample of the stock food the subject of the order; and
 - (b) direct that the sample referred to in paragraph (a) be treated in accordance with sections 21, 23 and 24.
- (5) Where a report of analysis, in respect of a stock food referred to in sub-section (4), shows that the stock food complies with the prescribed standards, the Chief Inspector shall, by notice in writing served on the person given a notice under sub-section (1), withdraw the order made under that sub-section in relation to that stock food.

20. TAKING OF SAMPLE BY INSPECTOR

- (1) An inspector may, when directed to do so under section 19(4) by the Chief Inspector, or at any reasonable time -
- (a) enter premises where a stock food is kept or exposed for sale, and take a sample of the stock food; or
 - (b) take a sample of a stock food from a vehicle in which the stock food is in the course of transit or in respect of which there are reasonable grounds for believing that the stock food is in the course of transit.
- (2) An inspector may, in the exercise of the power conferred on him under sub-section (1)(b), direct a vehicle to stop in order to allow a sample of stock food to be taken from the vehicle.
- (3) The taking of a sample under this section shall, for the purposes of this Act, be deemed to be a sale by the vendor, manufacturer or person having possession of the stock food or his agent, to the inspector, of the stock food contained in the lot from which the sample was taken, irrespective of whether the stock food was for public sale.

21. METHOD OF DEALING WITH SAMPLE TAKEN

- (1) An inspector who has taken a sample of stock food in accordance with section 20 shall -

Stock Foods

- (a) divide the sample into 3 equal parts;
 - (b) place each part in a container marked and sealed or fastened in the prescribed manner by him;
 - (c) endorse the prescribed particulars on the approved form accompanying each container;
 - (d) where the sample was taken in accordance with section 20(1)(a) - offer one of the parts to the person in charge of the premises from which the sample was taken, or leave it upon those premises;
 - (e) where the sample was taken in accordance with section 20(1)(b) - offer one of those parts to -
 - (i) the manufacturer, importer or vendor of the stock food, as the case may be, from whom the sample was taken; or
 - (ii) an agent in the Territory of the person referred to in sub-paragraph (i),
or leave it at the principal place of business in the Territory of -
 - (iii) the person referred to in sub-paragraph (i); or
 - (iv) the agent referred to in sub-paragraph (ii);
 - (f) deliver one part to an analyst for analysis; and
 - (g) retain one part for future comparison.
- (2) At, or immediately after, the taking of a sample in accordance with section 20, an inspector shall notify -
- (a) the person referred to in sub-section (1)(d);
 - (b) the person referred to in sub-section (1)(e); or
 - (c) the owner of the stock food from which the sample was taken, as the case may be, that it is his intention to have a part of the sample analysed.
- (3) The delivery to an analyst of a part of a sample may be effected either personally or by sending the part by registered post in a sealed package addressed to the analyst at his usual place of business.
- (4) Where an inspector, in proceedings for an offence against this Act, has given evidence of having -
- (a) placed a part of a sample taken in accordance with this section in a container;

Stock Foods

- (b) sealed or fastened and marked, in the prescribed manner, the container;
- (c) endorsed the prescribed particulars on the approved form accompanying that container;
- (d) packed that container in a particular manner; and
- (e) delivered the package, in accordance with sub-section (3), to the analyst,

a certificate produced by the inspector signed by an analyst stating that -

- (f) that analyst received in good order that package addressed to him;
- (g) that package was packed in the same manner as stated by that inspector;
- (h) that package contained the part of the sample of the same nature as that sent by that inspector; and
- (j) that part of that sample was in a container sealed or fastened and marked, in the same manner as that stated by the inspector,

is evidence -

- (k) of the facts stated in the certificate;
- (m) that that package received by that analyst was that same package as that sent by that inspector and was not broken into or interfered with in transit; and
- (n) that that part of the sample received by that analyst was that part of that sample sent to that analyst by that inspector.

22. PERSON MAY REQUIRE SAMPLE TAKEN

(1) The Chief Inspector may, when requested by a person tendering the prescribed fee, direct an inspector to take a sample of a stock food and submit the sample for analysis and the inspector shall, accordingly, comply with that direction.

(2) Unless the Chief Inspector otherwise directs, the cost of an analysis carried out pursuant to this section shall be borne by the person requesting it.

(3) A sample to be taken in pursuance of a request made under sub-section (1) shall be taken in accordance with section 20 and dealt with in the manner specified in section 21.

Stock Foods

Division 2 - Analysis of Sample

23. ANALYST TO ANALYSE SAMPLE AND MAKE REPORT OF ANALYSIS

(1) Subject to sub-section (2), where an analyst receives a sample of a stock food in pursuance of section 21(1)(f), he shall carry out an analysis of the stock food contained in that sample.

(2) Where a particular method of analysis of a stock food, or class of stock food, has been approved, an analyst shall, in his analysis of that stock food, adopt that approved method of analysis.

(3) As soon as practicable after carrying out an analysis of a stock food in pursuance of sub-section (1), an analyst shall give to the Chief Inspector a written report of analysis, dated and signed, in which he shall set out his findings as a result of the analysis and the method of analysis adopted by him in arriving at those findings.

(4) Where -

(a) a particular method of analysis of a stock food, or class of stock food, has been approved; and

(b) an analyst, in carrying out an analysis of the stock food, or class of stock food, for the purposes of this Act, has not adopted that approved method of analysis,

the report of analysis made in pursuance of sub-section (3) in respect of that stock food, or class of stock food, shall be deemed not to be a report of analysis for the purposes of this Act.

24. USE OF REPORT OF ANALYSIS

(1) Subject to section 23(4) and sub-section (2), the production, in any legal proceedings, of a document purporting to be a report of analysis is, without proof of the signature of the person appearing to have signed it, evidence of the matters stated in that document.

(2) Subject to sub-section (3), sub-section (1) shall not apply -

(a) where the person intending to rely on the production of the document (in this section called "the prosecutor") has not, at the time of service of the process originating the proceedings (in this section called "the summons") served the other party to the proceedings (in this section called "the defendant") with a copy of the document; or

(b) if the defendant has, at least 7 days before the return date of the summons, given to the prosecutor notice in writing personally or by post that he requires the analyst to attend as a witness.

Stock Foods

(3) Notwithstanding a failure to comply with sub-section (2), the court hearing the proceedings -

(a) may allow a report of analysis to be admitted in evidence at any time during the proceedings; or

(b) may extend the time for giving a notice under sub-section (2)(b),

and may, for those purposes, adjourn the hearing on such terms as it thinks fit.

(4) The court may, in addition to any other order as to costs, order a defendant who gives notice under sub-section (2)(b), to pay so much of the expense of the prosecutor involved in and incidental to having the analyst attend before the court as a witness as it thinks fit.

(5) Service of a copy of a report of analysis shall be proved in the same manner as service of summons is proved in the court hearing the proceedings.

Division 3 - General Offences

25. GENERAL OFFENCES

A person shall not -

- (a) assault, intimidate or obstruct an inspector in the exercise of his powers or in the discharge of his duties under this Act;
- (b) refuse to allow to be taken a sample demanded in accordance with this Act;
- (c) give, procure, offer or promise a bribe, recompense, inducement or reward with the intention of influencing an inspector or an analyst in the exercise of his powers or in the discharge of his duties under this Act;
- (d) retake or attempt to retake a stock food taken or obtained under this Act, or resist or attempt to prevent such a taking or obtaining;
- (e) without approval, open, break, or erase a fastening, seal or mark placed by an inspector, in pursuance of this Act, upon a container;
- (f) knowing that an inspector believes an offence against this Act has been committed, refuse to state his name or place of abode or address when requested by the inspector, or state a false name or place of abode or address;

Stock Foods

(g) where an exemption under section 13 has been granted in respect of a stock food, use that stock food other than in accordance with the conditions, if any, attaching to that exemption; or

(h) refuse to stop a vehicle when directed to do so under section 20(2) by an inspector.

Penalty: For a first offence - \$500 or imprisonment for 3 months; and

for a second or subsequent offence - \$1,000 or imprisonment for 6 months.

PART V - MISCELLANEOUS

26. CANCELLATION OF REGISTRATION

(1) In addition to any other penalty which may be imposed, where the holder of a certificate of registration is convicted of 3 or more offences against this Act relating to the same stock food, the court may order the cancellation of the certificate of registration in respect of that stock food.

(2) Where a certificate of registration is cancelled under sub-section (1), the holder of the certificate of registration shall deliver the cancelled certificate of registration to the Chief Inspector not later than 14 days after the date on which the order of cancellation takes effect.

Penalty: \$1,000.

27. FORFEITURE

(1) Where a person is convicted of an offence against this Act, the stock food, if any, to which the conviction relates may, by order of the court, be forfeited to the Territory.

(2) A forfeiture under sub-section (1) may extend to the whole of any similar stock food, and to all packages containing any similar stock food -

(a) the property of the person convicted;

(b) found on the premises of that person; or

(c) in the possession of that person at the time of the commission of the offence.

(3) Stock food forfeited under this section shall be disposed of as the Minister directs.

Stock Foods

28. COURT MAY AWARD COSTS

Where a person is convicted of an offence against this Act, the court may order that all or part of the fees and other expenses of and incidental to the analysis of a stock food in respect of which the conviction is obtained shall be paid by the person convicted as part of the costs attending the conviction, and those fees and expenses shall be recoverable in the same manner as those costs are recoverable.

29. INSTIGATION OF PROSECUTIONS

A prosecution for an offence against this Act shall not -

- (a) be instigated unless approved; or
- (b) interfere with or lessen a right or remedy by civil process against the person charged by the person aggrieved.

30. PROTECTION OF INSPECTORS AND ANALYSTS

An action or proceeding, civil or criminal, does not lie against an inspector or analyst for or in respect of an act or thing done in good faith by the inspector or analyst for the purposes of this Act.

31. SERVICE

A document required by this Act to be served on a person may be so served -

- (a) by handing it or tendering it to that person;
- (b) by post; or
- (c) by leaving it with some person apparently over the age of 16 years at the last-known or usual place of abode or business of the first-mentioned person.

32. DUPLICATE CERTIFICATE OF REGISTRATION

Where the Chief Inspector is satisfied that a certificate of registration has been destroyed, lost or stolen, he may, upon application in the approved form accompanied by the prescribed fee by the holder of the certificate of registration, issue to that holder a duplicate certificate of registration.

33. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

Stock Foods

(2) Without limiting the generality of sub-section (1), the Regulations may provide for -

- (a) the proportion or amount of adulterants that may be contained in a stock food;
 - (b) the manner in which particulars relating to a stock food shall be written on a package containing the stock food or on a label affixed to the package or on an invoice given with the package and the manner in which a label containing the particulars shall be affixed to the package;
 - (c) the size and type of label to be affixed to a stock food;
 - (d) the methods of taking samples under section 20;
 - (e) prohibiting the use of a substance, or prescribing the proportion of the substance, as a constituent of a stock food;
 - (f) prescribing ingredients that may be used as alternative ingredients in the manufacture of a stock food; and
 - (g) the imposition of penalties not exceeding a fine of \$500 for an offence against the Regulations.
-