

NORTHERN TERRITORY OF AUSTRALIA

FOOD AMENDMENT ACT 2023

Act No. 22 of 2023

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 22 of 2023

An Act to amend the *Food Act 2004*

[Assented to 21 September 2023]
[Introduced 18 May 2023]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Food Amendment Act 2023*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 8 May 2025, it commences on that day.

3 Act amended

This Act amends the *Food Act 2004*.

4 Long title amended

Long title

omit

consumption

insert

consumption, for security of access to food, drink and grocery items in remote communities

5 Section 3 amended (Objects)

(1) Section 3(c)

omit

Territory.

insert

Territory;

(2) After section 3(c)

insert

(d) to promote and enhance:

- (i) security of access to food, drink and grocery items for residents of remote Aboriginal communities; and
- (ii) the viable operation of food businesses carried out by stores servicing remote Aboriginal communities.

6 Section 6 amended (Definitions)

Section 6

insert

community store means a registered food business declared by the Chief Health Officer under section 84A.

food security means reasonable, ongoing access to a range of food, drink and grocery items that are reasonably priced, safe and of sufficient quantity and quality to meet nutritional and related household needs.

grocery items means items for basic household needs, including personal care, hygiene and cleaning products and cooking utensils.

7 Part 7A inserted

After section 84

insert

Part 7A Food security**84A Declaration of community stores**

The Chief Health Officer may, by *Gazette* notice, declare a store that sells food, drink and grocery items to be a community store if:

- (a) the store is a registered food business; and
- (b) the store is in, or services, a remote area of the Northern Territory; and
- (c) the store is a significant source of food, drink and grocery items for residents of one or more Aboriginal communities or areas serviced by the store.

84B Food security conditions

- (1) The registration of a food business that is a community store is subject to the following conditions:
 - (a) the business must provide reasonable, ongoing access to a range of food, drink and grocery items that are reasonably priced, safe and of sufficient quantity and quality to meet nutritional and related household needs for its customers;
 - (b) the business must promote good nutrition and healthy products to its customers;
 - (c) the business must be operated and managed in a way that ensures the continued viability of the business;
 - (d) the business must comply with any standard that applies to the store under section 84C.

Example for subsection (1)(c)

The business is able to demonstrate that it is in good financial standing and has robust governance arrangements.

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- (2) Despite subsection (1), the Chief Health Officer may, if the Chief Health Officer considers it appropriate, vary the application of a condition mentioned in subsection (1)(a), (b) or (c) to the registration of a food business that is a community store.

Note for section 84B

The registration of a food business that is a community store is subject to conditions imposed under section 73(2).

84C Food security standards

- (1) The Minister may, by *Gazette* notice, declare a standard in the Territory or a stated part of the Territory relating to food security.
- (2) The standard may apply, adopt or incorporate (with or without changes) a matter contained in another document or instrument as in force or existing at a particular time or from time to time.
- (3) The standard must be published on the Agency's website.
- (4) The declaration of the standard must:
 - (a) describe the subject matter of the standard; and
 - (b) state the date (not earlier than the date of the notice) on which the standard applies in the Territory or a part of the Territory; and
 - (c) state that the standard is published on the Agency's website.

84D Guidelines

- (1) The Chief Health Officer may make guidelines relating to matters for this Part.
- (2) The guidelines may apply, adopt or incorporate (with or without changes) a matter contained in another document or instrument as in force or existing at a particular time or from time to time.
- (3) The guidelines must be published on the Agency's website.
- (4) The Chief Health Officer must, by *Gazette* notice, give notice of making the guidelines.
- (5) The notice must:
 - (a) describe the subject matter of the guidelines; and
 - (b) state the date on which the guidelines take effect (which may not be earlier than the date of the notice); and

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- (c) state that the guidelines are published on the Agency's website.

84E Review of decision relating to food security

- (1) A person aggrieved by a decision of the Chief Health Officer, or a delegate of the Chief Health Officer, under this Part may apply for review of the merits of the decision in accordance with this section.
- (2) If the decision was made by the Chief Health Officer, the person may apply to the Local Court to review the decision.
- (3) If the decision was made by a delegate of the Chief Health Officer, the person may apply to the Chief Health Officer to review the decision.
- (4) The person must make the application within 14 days after receiving notice of the decision.
- (5) In determining the review, the Chief Health Officer or Local Court must, by notice in writing to the person who requested the review, do one of the following:
 - (a) affirm the decision reviewed;
 - (b) vary the decision reviewed;
 - (c) revoke the decision reviewed;
 - (d) substitute a decision for that decision.
- (6) The Chief Health Officer or Local Court must specify the reasons for the determination in the notice.

84F Review of Part

The Minister must review the operation of this Part within 3 years after its commencement to determine whether the Part remains appropriate to achieve the objectives mentioned in section 3(d).

8 Section 100 amended (Grounds for issuing improvement notice)

- (1) Section 100(a) and (b), at the end

insert

or

(2) Section 100(d)

omit

business.

insert

business; or

(3) After section 100(d)

insert

(e) if the food business is a community store – a condition on the registration of the food business that relates to food security is being contravened.

Notes for paragraph (e)

1 *Conditions are imposed on the registration of a food business that is a community store under section 84B.*

2 *Other conditions that relate to food security may be imposed on the registration of a food business that is a community store under section 73.*

9 Repeal of Act

This Act is repealed on the day after it commences.