

NORTHERN TERRITORY OF AUSTRALIA

FOOD REGULATIONS

Subordinate Legislation No. 46 of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 46 of 2014*

Food Regulations

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Food Act*.

Dated 17 December 2014

J. L. HARDY
Administrator

By His Honour's Command

W.R. WESTRA VAN HOLTHE
Minister for Primary Industry and Fisheries
acting for
Minister for Health

* Notified in the *Northern Territory Government Gazette* on 24 December 2014.

Part 1 Preliminary matters

1 Citation

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

2 Commencement

These Regulations commence on 1 January 2015.

3 Definitions

In these Regulations:

infringement notice, see regulation 6.

infringement notice offence, see regulation 5(1).

prescribed amount, see regulation 5(2).

risk classification, see regulation 4(2).

Part 2 Registration Fee

4 Registration fee

- (1) For sections 71(2)(c) and 75(2)(b) of the Act, the prescribed fee is as specified in Schedule 1.
- (2) For Schedule 1, *risk classification* means the level of risk assessed by the Agency for a food business using the national priority risk classification system developed by Food Standards Australia New Zealand.

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*, 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* 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*, 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 Payment by cheque

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

9 Withdrawal of infringement notice

- (1) The Chief Health Officer 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 (revenue units)
High	180
Medium	90
Low	45

Schedule 2 Infringement notice offences and prescribed amounts

regulation 5

Provision	Prescribed amount (penalty units)	
	for individual	for body corporate
<i>Food Act</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