

Reprint Number : REPF011

FOOD (INTERIM PROVISIONS) REGULATIONS

Agency: Territory Health Services
Type : Regulations
Parent : Food Act

NORTHERN TERRITORY OF AUSTRALIA

REPF011

FOOD (INTERIM PROVISIONS) REGULATIONS

As in force at 1 May 1997

TABLE OF PROVISIONS

Section

PART I - PRELIMINARY

- 1. Short title
- 2. Commencement
- 3. Repeal
- 4. [Repealed]
- 5. Definitions

PART II - ADULTERATION, LABELLING AND
FALSE DESCRIPTION OF FOODS OR DRUGS

- 6. Conditions of adulteration

7. Labelling of packages
8. False description
9. Standard for drugs

PART III - SALE OF FOODS AND DRUGS

10. Selling by self or agent
11. Sale of adulterated food an offence
12. Sale under certain conditions an offence
13. Certain contentions not a defence
14. Contents of mixture must be pure
15. Prohibition of sale of injurious drugs
16. Forbidding impurities in utensils
17. Forbidding use of certain toxic substances
18. Sale of disinfectants and proprietary remedies
19. Examination of foods, drugs or appliances
20. Standards for drugs

PART IV - POWERS OF INSPECTION AND SAMPLING

21. Powers of inspection and sampling
- 21A. Liability for acts

PART V - PROTECTION OF FOOD AND DRUGS FROM CONTAMINATION

22. Handling of food by infected persons
23. Examination of persons handling food
24. Cleanliness of persons
25. Offensive habits forbidden
26. All appliances to be kept clean
27. Places for keeping food must be clean
28. Vehicles and receptacles must be clean
29. Protection from dust, insects, &c.
30. Packing material must be clean
31. Food exposed in windows
32. Prohibition of sale of food in streets
33. Food utensils must be clean
34. Broken drinking vessels forbidden
35. Ablution facilities for workers
36. Protection of food in transit
37. Fertilizer bags forbidden
38. Clothes boilers forbidden
39. Vessels shall be easily cleaned
40. Clean cloths for polishing fruit

41. Cleanliness of premises
42. Structure of premises
43. Maintenance of cleanliness of premises
44. Construction of vehicles
- 44A. Transporting food
45. Certain practices forbidden
46. Name of vendor to be displayed
47. Protection against flies
48. Food not to be exposed unless protected against flies and dirt
49. Protection of food against dust
50. Possession of unsound or contaminated fruit forbidden
51. Harborage for rats forbidden
52. Protection of food from vermin
53. Premises to be kept free from vermin and insects
54. Precautions during serving of food
55. Sealing of containers
56. Dangerous articles with confectionery

PART VI - CONDITIONS GOVERNING THE
SALE OF CERTAIN FOODS

Division 1 - Fish and Shell-fish

57. Fish vendor's premises
58. Packing and consigning of fish
59. Sale of shell-fish
60. Bottled oysters

*Division 2 - Ice, Ice-cream and Goods
Stored in Refrigerating Works*

61. Metal containers for ice-cream
62. Containers not to be used for other purposes
63. Precaution in manufacture of ice-cream
64. Clean garments to be worn
65. Ice-cream to be kept in special container
66. Preparation of ice-cream
67. Itinerant ice-cream vendors
68. Personal cleanliness
69. Cleanliness of vessels
70. Sale of frozen ice-cream
71. Protection from flies and dust
72. Notification of infectious diseases
73. Sterilization of vessels
74. Sale of imported ice-cream
75. Cold stores
76. Certain matters forbidden
- 76A. Separate storage of food for human consumption

- 77. Obligations of tenant of cold-store chambers
- 78. Cleanliness in carrying meat
- 79. Handling ice for sale
- 80. Obligations of persons delivering ice
- 81. Carriers to be provided
- 82. Ice in contact with other food substance not to be sold
- 83. Ice to be deemed adulterated
- 84. Protection from dust

*Division 3 - Aerated Waters,
Beverages, &c.*

- 85. Aerated water factories. Conditions to be observed
- 86. Soda fountains. Conditions to be observed

Division 4 - Bread, cakes, &c.

- 87. Bakehouses. Conditions to be observed
- 88. Duties imposed on owners of bakehouses
- 89. Employees in bakehouses prohibited from doing certain acts

Division 5 - Meals and Cooked Meats

- 90. Unsound food
- 91. Duties of owner
- 92. Cleanliness of employees
- 93. Filters
- 94. Infectious diseases
- 95. Broken utensils
- 96. Glass-washers
- 97. Approved glass-washers
- 98. Food not to be re-served
- 99. Cellars not to be used
- 100. Protection of food to be maintained
- 101. Fingers not to be used
- 102. Protection from flies and dust
- 103. Crockery to be clean
- 104. Table linen to be clean
- 105. Sinks to be provided
- 106. Glasses to be clean

PART VII - MISCELLANEOUS

- 107. Construction of taps used in the drawing of food for sale
- 108. Conduct of chemists' shops
- 109. Dealing in absinthe prohibited
- 110. Penalties
- 110A. Regulatory offences
- 111. Regulations

Notes

Table of Amendments

Food (Interim Provisions) Regulations

53

NORTHERN TERRITORY OF AUSTRALIA

FOOD (INTERIM PROVISIONS) REGULATIONS

NOTE - THIS REPRINT SHOWS THE REGULATIONS AS IN FORCE AT 1 MAY 1997. ANY AMENDMENTS THAT MAY COME INTO OPERATION AFTER THAT DATE ARE NOT INCLUDED. (See *Food Act*, section 57(2))

An Act relating to the Sale of Food and Drugs

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Food and Drugs Act*. (See back note 1)

2. COMMENCEMENT

This Act shall commence on a date to be fixed by the Administrator by notice in the *Gazette*. (See back note 1)

3. REPEAL

(1) After the commencement of this Act, "*The Food and Drugs Act, 1908*" of the State of South Australia, in its application to the Territory, shall cease to apply to the Territory.

(2) The *Food and Drugs Ordinance* 1921 and the *Food and Drugs Ordinance* 1928 are repealed.

(3) The Shops Regulations made under the *Health Ordinance* 1915-1928 and dated 21 January, 1936 are repealed.

4. [Repealed]

5. DEFINITIONS

In this Act, unless the contrary intention appears -

"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;

"authorized" means authorized in writing by the Minister or the Chief Health Officer;

"Chief Health Officer" means the Chief Health Officer appointed under the *Public Health Act* and includes his delegates under that Act;

"closet" means any structure whatsoever used for the purpose of or in connexion with the reception of excreta;

"drug" includes any article used for or in the composition or preparation of medicine for internal or external consumption or use by man, and includes disinfectants, germicides, antiseptics, preservatives, deodorants, anaesthetics, tobacco, narcotics, soaps, cosmetics, dusting powders, essences, unguents and all other toilet articles;

"food" includes every article which is used for food or drink by man, or which enters into or is used in the composition or preparation of any such article, and includes infant foods, flavouring matters, colouring matters, essences, condi-ments, spices and confectionery;

"infectious disease" means any infectious disease included in the definition of "Infectious Diseases" in the *Infectious Diseases Regulations* 1924;

"inspector" means any Health Surveyor appointed under the *Public Health Act*, and includes any member of the Police Force of the Territory, and also includes the Chief Health Officer;

"label" means a label, tag, brand, mark or statement in writing, whether or not containing any pictorial or other descriptive matter;

"owner" includes the occupier or person having the charge, management or control of premises, and the owner, whether jointly or severally, of any premises, the authorized agent, manager or superintendent of the owner, and in the case of mortgaged premises both the mortgagor and the mortgagee, and also includes a lessee; and in the case of premises owned by the Territory or the Commonwealth or any authority of the Territory or the Commonwealth, the person in charge of such premises;

"package" includes any case, bottle, jar, vessel, bag, box or other receptacle and any means by which goods are cased, covered, enclosed, contained or packed;

"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;

"premises" includes all buildings, structures and lands within the curtilage thereof; and any vehicle used in connexion with any business carried on at the premises;

"sale" includes offering or attempting to sell for consumption or use by man, or receiving for sale, or having in possession for sale, or exposing for sale, or sending, forwarding or delivering for sale, or causing or suffering or permitting or allowing to be sold or offered or exposed for sale for consumption or use by man, and also includes barter for such purposes;

"the British Pharmacopoeia" means -

(a) the latest edition (being an edition that has taken effect) for the time being of the book called the British Pharmacopoeia published under the direction of the General Medical Council of the United Kingdom; or

(b) if that edition has been added to or amended by additions or amendments that have taken effect - that edition as affected by those additions or amendments.

"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 water.

PART II - ADULTERATION, LABELLING AND FALSE DESCRIPTION OF FOODS OR DRUGS

6. CONDITIONS OF ADULTERATION

A food or drug shall be deemed to be adulterated -

(a) if it contains or is mixed with any substance in any quantity or in any proportion which diminishes in any manner its nutritive or other beneficial properties compared with the same in a pure and normal state and in an undeterio-rated and sound condition or which in any manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer;

(b) if it contains or is mixed or diluted with any substance of lower commercial value than the same food or drug in a pure and normal state and in an undeteriorated and sound condition;

(c) if any substance, constituent or ingredient has been wholly or in part extracted, abstracted or omitted from it, and as a result its nutritive or other beneficial properties are less than those of the same food or drug in its pure and normal state, or the purchaser or consumer is or may be in any manner prejudiced or disadvan-taged;

(d) if, either wholly or in part, it does not comply with the prescribed standard;

(e) if it contains anything, the use of which is prohibited by this Act;

- (f) if it contains any substance in excess of the prescribed quantity or proportion of such substance;
- (g) if it is mixed, coloured, powdered, coated, stained or treated in any manner whereby damage, deterioration, inferiority or true character or quality is or may be concealed;
- (h) if it consists wholly or in part of, or is mixed with, any filthy, decomposed or putrid animal or vegetable substance or of any portion of an animal or vegetable unfit for use as or in a food or drug, whether manufactured or not, or it has not been sufficiently cleaned or purified;
- (i) if it is the product of a diseased animal, or of one which has died otherwise than by slaughter;
- (j) if it is damaged, deteriorated or perished;
- (k) if, being a food, it contains methyl alcohol or, not having paid Excise duty, it contains more than 2% of proof spirit; or
- (l) if another substance has been substituted, wholly or in part, for such food or drug:

Provided that in any proceeding under this Act for selling a food or drug to which paragraph (a) or paragraph (b) applies, the food or drug shall not be deemed to be adulterated if it is sold as a mixture in the prescribed manner:

Provided further that spirits shall not be deemed to be adulterated where they are diluted with water if such dilution, being estimated by Sykes' hydrometer, has not reduced the spirits more than 35 degrees under proof for brandy, whisky, rum, schnapps, unsweetened gin, or other unsweetened spirits, or 45 degrees under proof for sweetened gin or other sweetened spirits.

7. LABELLING OF PACKAGES

- (1) Except in the case of packages exempted by the Minister by notice in the *Gazette*, there shall be legibly and durably printed, stencilled, impressed or marked on or attached to every package containing any food or drug a label which shall set out the following particulars, and shall, if so required elsewhere in this Act be of the prescribed form and kind:
 - (a) in the case of a package of any food or drug -
 - (i) the trade name or description;
 - (ii) the net weight or number or true measure or volume of the contents of the package;
 - (iii) the name and business address of the manufacturer or packer or vendor of the contents of the package;
 - (iv) the place of manufacture within Australia or the country of origin outside Australia; and
 - (v) any other prescribed particulars, directions, statements, information or words;
 - (b) in the case of a package of any food -
 - (i) whether the contents of the package are compounded, imitated, mixed or blended;
 - (ii) whether in such food any substance used in the preservation thereof is present, and, if so, the nature and the quantity or proportion of the substance; and

(iii) whether any colouring or flavouring is present in such food and, if so, the nature of such colouring or flavouring; and

(c) in the case of any package containing any specified drug or any compound or mixture of which any specified drug forms a part - the name of the specified drug and the quantity or proportion thereof in the package or the compound or mixture.

(2) In this section, "specified" means specified by the Minister by notice in the Gazette, and "packer" means any person or body of persons causing the contents of any package to be packed therein.

8. FALSE DESCRIPTION

A food or drug shall be deemed to be falsely described -

(a) if it is in a package, and -

(i) the contents of the package as originally put up have been removed in whole or in part, and other contents have been placed in the package; or

(ii) it fails to bear on the package, or on a label on or attached thereto, a statement of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha- eucaïne or beta-eucaïne, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetin or any soporific or hypnotic substance or any derivative or preparation or any such substances contained therein; or

(iii) the package or any label on or attached thereto or any advertisement, circular or sign relating thereto bears a statement, word, brand, mark, design or device regarding the nature, quality, strength, purity, composition, origin, age or proportion of the food or drug, which is false or misleading in any particular;

(b) in the case of imported goods, if it has not applied thereto the trade or other descriptions as required for its importation under any law of the Commonwealth for the time being in force, or if it has applied thereto a false trade or other description within the meaning of any such law;

(c) if it is an imitation of or is offered for sale under the distinctive name of another food or drug;

(d) if it is labelled or marked so as to deceive, or as to be likely to deceive or mislead the purchaser, or purports to be an imported article when it is not such;

(e) if it is sold under a name which conveys or is likely to convey a false indication of origin, character or place of manufacture, or to lead the purchaser to suppose that it is any other food or drug or product thereof; or

(f) if it is not packed and labelled in the prescribed manner.

9. STANDARD FOR DRUGS

Any drug sold under any name included in the British Pharmacopoeia which does not comply with the description given of, and tests specified for, such drug in the British Pharmacopoeia shall, unless such drug is included in a list of exceptions published in the Gazette under the authority of the Minister, be deemed to be a drug which is not of the substance of the drug demanded by the purchaser.

10. SELLING BY SELF OR AGENT

Any person shall be deemed to sell any food, drug or article, who sells the same either on his own account, or as the agent or servant of any other person.

11. SALE OF ADULTERATED FOOD AN OFFENCE

Any person who sells any food or drug which is adulterated or falsely described or which is packed or enclosed for sale or labelled in any manner contrary to this Act shall be guilty of an offence.

12. SALE UNDER CERTAIN CONDITIONS AN OFFENCE

Any person who -

(a) mixes, or causes or permits to be mixed for purposes of sale, with any food any ingredient or material which the Minister, by notice in the Gazette, declares to be an injurious ingredient or colour, or causes or permits to be coloured any food with any ingredient or material so declared to be injurious, or sells any food so mixed or coloured;

(b) mixes or causes or permits to be mixed for purposes of sale, any ingredient or material with any drug or colour, or causes or permits to be coloured any drug so as to affect injuriously the quality or potency of such drug, or sells any drug so mixed or coloured;

(c) mixes or causes or permits to be mixed for purposes of sale any ingredient or material with any food or drug in order thereby fraudulently to increase its weight, bulk or measure, or to conceal its inferior quality;

(d) sells any food or drug mixed with any ingredient or material whereby the weight, bulk or measure of such food or drug has been fraudulently increased, or its inferior quality concealed;

(e) sells any food or drug which is not of the nature, substance or quality of the food or drug demanded by the purchaser; or sells any quantity of food or drug less in weight or measure than the weight or measure or number demanded and paid for by the purchaser; or

(f) sells any compounded food or drug which is not composed of ingredients in accordance with the demand of the purchaser,

shall be guilty of an offence.

13. CERTAIN CONTENTIONS NOT A DEFENCE

In any prosecution under this Act, it shall be no defence to prove that -

(a) the food or the drug, the subject of the prosecution, though defective in nature or in substance or in quality, was not defective in all 3 respects; or

(b) the purchaser, having bought only for analysis, was not prejudiced by such sale.

14. CONTENTS OF MIXTURE MUST BE PURE

(1) When any person sells a food or drug which is a mixture, the ingredients shall be pure and in an unde-teriorated and sound condition.

(2) The vendor shall deliver the mixture to the purchaser in a package, on or attached to which is a label stating that the food or drug is a mixture and

the names of the ingredients legibly and uniformly written and the names and proportions of the ingredients as prescribed.

(3) Notwithstanding anything contained in subsection (2), except in respect of a food or drug designated as a fever mixture or claiming to be effective for the treatment of malaria or fever, it shall not be necessary to supply a label in the case of -

(a) a food or drug generally known to users as a compounded article or a drug not recognized by the British Pharmacopoeia, if the food or drug is mixed with any ingredient or material not injurious to health and not intended fraudulently to increase its bulk, weight or measure, or to conceal its inferior quality;

(b) a drug supplied by prescription or order signed by a registered medical practitioner for his patient, or a drug compounded and supplied by a registered pharmaceutical chemist; or

(c) a mixture exempted from this section by the Minister by notice published in the Gazette.

(4) Any person who sells any food or drug which is a mixture in respect of which this section has been contravened or has not been complied with, shall be guilty of an offence.

15. PROHIBITION OF SALE OF INJURIOUS DRUGS

(1) The Minister may, by notice in the Gazette, prohibit the advertising or sale of -

(a) any drug; or

(b) any article or apparatus to be useful or efficacious in relieving human suffering, or in curing, overcoming or alleviating any physical defect,

which, in his opinion, is injurious to life or health, or which, by reason of its inactivity or inefficiency, is useless for the advertised purposes:

Provided that no such notification shall be made until a reasonable opportunity has been given to the manufacturer, importer, vendor or owner of such drug or article, or his agent, to place his objections to the proposed notification before the Minister.

(2) Any person who advertises or sells any drug or article in contravention of any such notification and any person who prints any advertisement so notified, and any proprietor or manager of a newspaper or other public print who publishes any advertisement so notified, shall be guilty of an offence:

Provided that nothing in this subsection shall apply to the advertisement of drugs in bona fide trade journals or price lists by or on behalf of manufacturers to the retail trades only, or to the sale of drugs supplied by prescription or order signed by a registered medical practitioner or by him given to his patient or to any other person on behalf of such patient.

16. FORBIDDING IMPURITIES IN UTENSILS

A person shall not, unless as prescribed, sell or offer for sale or use in the manufacture, preserving, storage or transit of any food for any purposes of sale any cooking utensil or any appliance -

(a) consisting wholly or in part of lead or of any metal alloy containing more than 10% by weight of lead;

(b) soldered (where in contact with any food) with a metal alloy containing more than 10% by weight of lead;

(c) tinned inside with a metal alloy containing more than 1% by weight of lead;

(d) containing enamel, glaze, indiarubber or gutta-percha which, on boiling for 30 minutes with dilute acetic acid containing 4% by weight of acetic acid yields lead to the latter; or

(e) containing more than one-fourth of a grain of arsenic per pound of metal alloy, enamel, glaze, india-rubber or gutta-percha.

17. FORBIDDING USE OF CERTAIN TOXIC SUBSTANCES

A person shall not sell -

(a) any toy; or

(b) any wallpaper, decorative paper or paper serviettes, or paper used in the enclosure of any food for sale,

in or upon which there is any paint, colour, facing, dressing, size or varnish containing arsenic or antimony in any form or compound.

18. SALE OF DISINFECTANTS AND PROPRIETARY REMEDIES

(1) The Minister may, by notice in the *Gazette*, prohibit the sale of -

(a) any substance or compound as a disinfectant, germicide, antiseptic or preservative; and

(b) any patent or proprietary medicine which the Chief Health Officer certifies to be deleterious to health.

(2) Any person who sells any substance, compound or medicine in contravention of this section shall be guilty of an offence.

(3) For the purposes of this section, "patent or proprietary medicine" means any medicine or medicinal preparation for external or internal use which the maker or vendor has any exclusive right to make under the authority of letters patent, or which is recommended to the public by advertisement, price list, handbill or label for the prevention, cure or relief of any human ailment or physical defect.

(4) The Chief Health Officer may require such information or directions concerning disinfectants, germicides, antiseptics or preservatives, as he deems fit to be set out on labels attached or affixed to packages containing the same.

(5) Any person who sells or exposes for sale any substance or compound under the name or description of, or with intent that it may be used as, a disinfectant, deodorizer, germicide, preservative, antiseptic, sanitary powder or sanitary fluid, without disclosing the name or names of such substance or compound, and the percentage of the active ingredients contained in the same, by a label distinctly and legibly written and printed on or with the substance or compound, shall be guilty of an offence.

19. EXAMINATION OF FOODS, DRUGS OR APPLIANCES

(1) The Chief Health Officer may cause to be examined any food, drug, article or appliance which is advertised, exhibited or offered for sale, for the purpose of ascertaining its composition and properties, and shall compare the results of the examination with any advertisement which relates to the food, drug, article or appliance, and with the price at which it is sold, and shall prepare and forward to the Minister a report thereon, and such report may include any comment which the Chief Health Officer thinks desirable in the public interest.

(2) The Chief Health Officer may, thereupon, with the approval of the Minister, cause the report to be published in any newspaper or public print which circulates within the Territory, and to be distributed among the public in any other way, and no action or legal proceeding shall be brought or instituted for or on account of or in respect of any such publication.

(3) Any proprietor or manager of a newspaper or public print may republish any such report and no action or legal proceeding shall be brought or maintained against such proprietor or manager for or on account of or in respect of the re-publication.

(4) In this section "appliance" includes any instrument or contrivance which is advertised, exhibited or offered for sale as of use for curative purposes.

20. STANDARDS FOR DRUGS

(1) In any proceeding under this Act with respect to any food or drug, the standard prescribed by this Act shall be the standard, or if no such standard is prescribed in respect of any drug, the standard specified in the British Pharmacopoeia shall be taken as the standard.

(2) Any inspector, authorized officer or purchaser of any food or drug for which a standard exists shall, in the absence of proof to the contrary, be deemed to have demanded the standard quality of such food or drug.

PART IV - POWERS OF INSPECTION AND SAMPLING

21. POWERS OF INSPECTION AND SAMPLING

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

(1) Without limiting the generality of subsection (1AA), an Inspector or authorized officer may -

(a) enter and inspect any place, other than a private dwelling-house where food is not prepared for sale, at, in or upon which he has reasonable ground for believing there may be an article -

(i) which is, or is likely to be used -

(A) as food; or

(B) in the making, manufacture, sale, storage, delivery, conveyance or preparation of food; or

(ii) the sale of which is prohibited under this Act,

and may inspect any such article;

(b) inspect any article used, or which he has reasonable ground for suspecting is intended to be used, as a food or drug, or which he has reasonable ground for suspecting is an article,

the sale of which is prohibited under this Act, and which is being conveyed through or on any street, or by railway or other means of transit, apparently for the purposes of trade, sale or delivery;

(c) examine and open any such article or any package enclosing the same in any place;

(d) remove for examination or analysis any such article or portions or samples of any such article;

(e) inspect and for that purpose, where deemed necessary, open up, take apart, and test any appliance or utensil used in the manufacture, preparation, storing, preservation, packing, delivering or serving of any food or drug;

(f) seize any such article, appliance or utensil which is, or appears to him to be, injurious or unwholesome or unfit for use, or to be an article, the sale of which is prohibited under this Act, and any package enclosing or contain-ing 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;

(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

(g) without limiting the foregoing powers, enter any licensed or registered premises where spirits are sold, and with or without purchasing or taking any quantity, test the alcoholic strength of such spirits.

(1A) A person shall not -

(a) refuse to permit an inspector or authorized officer to exercise;

(b) prevent an inspector or authorized officer from exercising; or

(c) hinder an inspector or authorized officer in the exercise of,

a power conferred by subsection (1).

(1B) Where an Inspector incurs any expense in pursu-ance of subsection (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.

(2) [Omitted]

(3) An inspector or authorized officer taking and removing for analysis any article of food or drug shall at the time notify his intention of having the article analysed to any person then present who is the owner or his agent or servant, or to any person who is in charge of the article.

(4) Upon declaration by an inspector or authorized officer that any sample is being taken for purposes of examination or analysis under this Act, the sample when taken by the inspector or authorized officer shall be regarded for all purposes of this Act as having been sold or offered for sale.

(5) [Omitted]

(6) The inspector or authorized officer having taken any sample shall divide it into 3 parts, and shall label or mark and seal or fasten up each part in such manner as its nature permits, and shall then deliver one of the parts to the owner, agent, servant or person in charge of the article, shall retain one of the parts for future comparison, and shall submit the third part to an

analyst appointed by the Minister:

Provided that when any article is contained in a bottle, tin or other package in such quantity that its division into 3 parts would furnish portions insufficient for accurate analysis, additional bottles, tins or packages which purport to contain a similar food or drug under the same brand or label, may be taken or obtained, and the contents of 2 or more bottles, tins or packages may be mixed together and the mixture divided as pre-scribed.

(7) Any certificate issued by any analyst appointed by the Minister shall be deemed to be sufficient evidence in any Court as to the facts therein stated.

(8) In the case of any food or drug or article having been removed or seized by any inspector or authorized officer in accordance with this section, other than food confiscated under subsection (1)(fc), the inspector or authorized officer shall forthwith deliver or forward a portion marked and sealed or fastened up in such a manner as its nature permits to the consignor or manufacturer thereof if his name and address are on or attached to the food or drug or article or any package enclosing or containing the same, and if the address is in the Territory; otherwise, the portion shall be delivered or forwarded to the owner of the article seized or the person in whose possession it has been found:

Provided that where the article removed or seized is liable to decomposition the inspector or authorized officer may, in lieu of delivering or forwarding the article as prescribed, forthwith place the same in cold storage, and shall thereupon notify that fact to the consignor, manufacturer, owner or person in whose possession it has been found.

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 Health Officer or an Inspector.

PART V - PROTECTION OF FOOD AND DRUGS FROM CONTAMINATION

22. HANDLING OF FOOD BY INFECTED PERSONS

Any person who is -

- (a) suffering from any infectious disease, skin eruption or venereal disease; or
- (b) wearing unclean or medicated bandages,

shall not engage in or be employed in the manufacture, manipulation, preparation, handling, storage or sale of food or drugs.

23. EXAMINATION OF PERSONS HANDLING FOOD

- (1) The Chief Health Officer or an authorized medical practitioner may examine

any person so employed who is suspected of suffering from any infectious or contagious disease, and any person who refuses to submit to such examination on being required by an inspector or authorized officer so to do, or to any process of clinical or bacteriological examination ordered in writing by the Chief Health Officer, shall be guilty of an offence.

(2) When, as the result of any such examination, it has been ascertained that any such person, is liable to convey the germs of disease to a consumer of any food or drug, the Chief Health Officer may by order in writing direct that any such person shall forthwith discontinue or refrain from any work connected with the preparation, handling, serving, delivering or other dealing with any article of food or drug for sale and discontinue or refrain from any handling or other dealing with any utensil or receptacle in which, or on which, any such food or drug is kept or served, and that he shall not resume any such work until he receives from the Chief Health Officer written permission so to do.

(3) Any person who fails to comply with any order of the Chief Health Officer given in pursuance of subsection (2) or who resumes any such work before he is authorized in writing by the Chief Health Officer so to do shall be guilty of an offence.

24. CLEANLINESS OF PERSONS

Every person who is engaged in the manufacture, preparation, storage, packing, carriage or delivery of food or drugs for sale shall, when so engaged, maintain his clothing and his body clean.

25. OFFENSIVE HABITS FORBIDDEN

Any person who spits or chews or smokes tobacco while engaged in the manufacture, packing or storing of any food or drug for sale, or in any place used for the manufacture or preparation of such food or drug, shall be guilty of an offence:

Provided that this section shall not apply to the packing or storing of any food or drug which is enclosed in an hermetically sealed container.

26. ALL APPLIANCES TO BE KEPT CLEAN

Every person who is in possession of any food or drug for sale, or who is engaged in the manufacture, pre-paration, storage, package, carriage or delivery of any food or drug for sale, shall keep all receptacles, implements, vehicles, articles, utensils, tools of trade, benches, fittings, machinery and other appliances used for or in connexion with food or drugs for sale, clean, free from dust, foul odours, flies or other insects.

27. PLACES FOR KEEPING FOOD MUST BE CLEAN

A person shall not sell food or manufacture, prepare, serve, pack, store or offer or expose for sale any article of food or a drug -

(a) in any place which is at any time used as a sleeping apartment, or which is in direct communication with a sleeping apartment, or with any stable, urinal, privy or water-closet;

(b) in any place in which anything is kept, or any animal is allowed to be, or any work is carried on, whereby such article of food or drug is liable to be contaminated or its wholesomeness or cleanliness injuriously affected; or

(c) in any place the use of which for this purpose has been prohibited by the Chief Health Officer in writing.

28. VEHICLES AND RECEPTACLES MUST BE CLEAN

A person shall not use any receptacle or any vehicle which is not clean in the

carriage or delivery of any food or drug for sale, or use any such receptacle or vehicle for the carriage or containing of any matter whereby the wholesomeness, cleanliness and freedom from contamination of any food or drug for sale carried or contained or usually carried or contained in the vehicle or receptacle, would or might be endangered.

29. PROTECTION FROM DUST, INSECTS, &c.

(1) Every person who sells any food which is ordinarily consumed in the state in which it is sold shall protect such food, until it is delivered to a purchaser, from dust, flies or other insects, or any unwholesome matter by storage in covered receptacles, by covering with gauze, or by other effectual means.

(2) A vendor shall not carry any food through any street unless it is protected in accordance with subsection (1).

30. PACKING MATERIAL MUST BE CLEAN

(1) A person shall not sell any prescribed article of food for human consumption unless it is so packed or wrapped that it cannot come into contact with paper or other material which is not clean, or with any writing or printing upon any paper or other material.

(2) Subsection (1) does not apply where the article which is sold is bread and the bread is delivered to the customer at his place of residence or business.

31. FOOD EXPOSED IN WINDOWS

A person shall not expose without adequate protection against flies and dust any article of food (other than fruit or vegetables) which is ordinarily consumed in the same state in which it is sold, in any window-space which is not so constructed as to protect the food from flies and dust, or in any other place unless the food is protected to the satisfaction of an inspector from flies and dust.

32. PROHIBITION OF SALE OF FOOD IN STREETS

(1) A person shall not without the written permission of the Chief Health Officer display or have any food for sale in any street or public place.

(2) The Chief Health Officer shall not give his permission under subsection (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.

33. FOOD UTENSILS MUST BE CLEAN

(1) A person shall not in any public or private bar, restaurant, dining-room, tea-room, refreshment stall or booth, or in any place where food is sold, use any drinking vessel, spoon, fork or other utensil used in connexion with cooking, eating or drinking unless such vessel or utensil has been thoroughly cleansed with clean water and is clean.

(2) In any place where clean water under pressure is available or can be made available, the cleansing of all such vessels or utensils shall be done by means of clean running water.

34. BROKEN DRINKING VESSELS FORBIDDEN

A person shall not use or have in his possession for use for the delivery of food for sale any drinking vessel, of which any edge liable to come into contact with the mouth or lips is broken or rough.

35. ABLUTION FACILITIES FOR WORKERS

The proprietor of every retail shop wherein food is sold for consumption on the premises shall provide and maintain in a convenient position on his premises for the use of persons employed by him adequate washing appliances for the hands, together with a sufficient supply of soap and clean water, and a sufficient supply of clean towels.

36. PROTECTION OF FOOD IN TRANSIT

A person shall not carry for sale or delivery on the footboard or exterior of any vehicle any bread, meat, milk or any article of food which is usually consumed in the same state in which it is sold, unless it is so enclosed or contained in a receptacle so constructed, as to prevent such article of food from being contaminated by flies or dust.

37. FERTILIZER BAGS FORBIDDEN

A person shall not enclose or carry or store any wheat, oats, maize, potatoes, onions, fruit or any other article of food for sale in any bag or sack or similar receptacle which has at any time contained, or has been used for the conveyance of bone-dust or superphosphate or any other manure or mixture of manures, or any other poisonous or harmful material.

38. CLOTHES BOILERS FORBIDDEN

A person shall not use for the preparation of ice-cream, ices or other food for sale, or for the cleansing or sterilization of any article used to contain food, any vessel or copper boiler which is used for boiling clothes.

39. VESSELS SHALL BE EASILY CLEANED

A person shall not use any receptacle, vessel, appliance or vehicle in connexion with the preparation, storage, packing, carriage or delivery of any food for sale, unless the receptacle, vessel, appliance or vehicle is constructed of such material and in such a manner as to be easily cleansed and kept clean.

40. CLEAN CLOTHS FOR POLISHING FRUIT

A person shall not use for the purpose of wiping or polishing fruit or any other food for sale any rag or cloth other than a proper duster kept solely for the purpose, and which is maintained in a clean condition; or use for the purpose of wiping or polishing fruit or any other food for sale any rag or cloth which consists or is composed of any wearing apparel or bed linen.

41. CLEANLINESS OF PREMISES

The occupier of every business or place where food for sale is produced, handled, manufactured, prepared, packed, kept or served shall cause such premises or place to comply with the following conditions:

- (a) the premises or place shall be maintained at all times in a clean, serviceable and sanitary condition;
- (b) the premises or place shall be maintained in such condition as to prevent the ingress or egress of rats, and all practicable measures for the destruction of rats and other vermin on the premises shall be taken;
- (c) every place used in connexion with the manufacture, preparation, serving or keeping of food shall be adequate in size and properly enclosed, floored and ceiled;
- (d) every room shall be effectively ventilated and lighted with natural light to the satisfaction of an inspector;
- (e) every place shall be provided with effective sub-floor ventilation unless the floor be of concrete or similar impervious material;

(f) an efficient supply of clean water under pressure and wash basins freely accessible to all persons employed in the ratio of one to every 10 persons employed on the premises and an adequate supply of soap and clean towels shall be provided;

(g) every yard, shed, out-building or stable appurtenant to the premises, or lane or street contiguous to the premises shall be kept clean and free from packing cases, lumber, garbage, rubbish, offensive material and manure and all material essential to the business shall be kept packed or stacked as to prevent harbourage for rats or other vermin;

(h) the external portion of every premises shall be maintained at all times in a clean and sanitary condition; every window shall be kept clean and whole, and all painted surfaces and woodwork of such exterior portion shall be scrubbed and cleansed with soap and water as often as is necessary to remove dirt and grease; and

(i) adequate sanitary conveniences as prescribed, shall be provided and shall not be situated in any room or place where food is manufactured, prepared or kept and every sanitary convenience shall be so situated as to be completely cut off from any such room or place by cross ventilation.

42. STRUCTURE OF PREMISES

The occupier of every business or place where food for sale is produced, handled, manufactured, prepared, packed, kept or served shall, when required in writing by the Chief Health Officer -

(a) pave any portion or the whole of the floor with impervious materials and provide proper drainage so that all liquids falling upon the floor shall be conducted to a drain inlet situated outside the building within which the floor is laid;

(b) line the walls of any portion of the premises with the material and in the manner required;

(c) provide a properly constructed and closely covered manure receptacle into which he shall cause to be placed daily all animal droppings and stable cleanings;

(d) provide adequate facilities and an adequate supply of water under pressure for washing cans, implements and tools of trade; and

(e) protect doors, windows and other openings by means of wire gauze of approved material and mesh so as to prevent the ingress of flies.

43. MAINTENANCE OF CLEANLINESS OF PREMISES

The occupier of every business or place where food for sale is produced, handled, manufactured, prepared, packed, kept or served, shall -

(a) provide a receptacle constructed of impervious material with a closely fitting cover;

(b) place all waste material and trade refuse produced upon the premises in that receptacle;

(c) ensure that the contents of that receptacle are removed at least once weekly, and in the case of fish refuse, once daily;

(d) thoroughly cleanse that receptacle on each occasion after the removal of its contents; and

(e) provide a receptacle in which food withdrawn from sale shall be

immediately placed, and any food upon the premises which is not within such receptacle shall be deemed to be exposed for sale.

44. CONSTRUCTION OF VEHICLES

(1) A person shall not in or on any cart or other vehicle carry or have any food for sale or delivery for sale unless the cart or other vehicle is either -

(a) specially constructed and used for such purpose only, and so fitted and kept as to protect any food carried from contamination by dust or other means; or

(b) provided with a dust-proof and weather-proof case, cabinet, or similar contrivance for the storage of food, and which case, cabinet or contrivance is provided with a close-fitting lid or door which is kept closed during such carriage and is opened only for the purpose of handling the contents, and thereafter immediately closed; and

(c) if a motor vehicle, such conveyance is so constructed, fitted and equipped as to protect effectively any food carried therein from contamination or spoilage by dust, weather or other means and is provided with a smooth impervious interior surface which is capable of ready cleaning and is free from upholstery or any other absorbent material or furnishings.

(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.

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.

45. CERTAIN PRACTICES FORBIDDEN

A person shall not use for conveying food for sale any cart or other vehicle which is at any time used for conveying any dead body or for any other purpose which, in the opinion of an inspector, is objectionable, or have any dog or other animal upon any vehicle which is used in carriage of food for sale.

46. NAME OF VENDOR TO BE DISPLAYED

A person shall not have any food or drug for sale upon any cart or other vehicle unless his name and address, or the name and address of his employer is conspicuously and indelibly inscribed upon the exterior of the cart or other vehicle; or carry any food or drug for sale in any place, or on any round from house to house, in any can, vessel or other receptacle unless his name and address, or the name and address of his employer is conspicuously inscribed upon the exterior of the can, vessel or receptacle.

47. PROTECTION AGAINST FLIES

A person shall not prepare, store, keep or have food for sale in any kitchen at any hotel, boarding-house, restaurant, refreshment-room, shop or other premises where food is prepared or served to the public, unless all doors, windows and other openings to the external air in the kitchen are protected, to the satisfaction of an inspector, against flies and dust by means of self-closing wire-gauze doors and wire-gauze screens; and when, in the opinion of

an inspector, the screening of any other room or place in any such premises is necessary to prevent the contamination of any food therein kept or served, the inspector may, by notice in writing, require the occupier to screen the door and window openings and any other openings to the external air in such room or place in the manner prescribed in this section for any kitchen.

48. FOOD NOT TO BE EXPOSED UNLESS PROTECTED AGAINST FLIES AND DIRT

A person shall not expose upon any counter, bar or other place in any hotel, boarding-house, restaurant, cafe, refreshment-room, shop or other premises where food is prepared or served to the public (whether for sale or not) any contaminable article of food unless every such article of food is protected against flies and dust by means of a glass case, proper cover, or by some other effective method approved by an inspector.

49. PROTECTION OF FOOD AGAINST DUST

A person shall not carry or transport through any street, road or place any food for sale, or intended for sale, or delivery unless the same is protected from flies, and as far as practicable from dust.

50. POSSESSION OF UNSOUND OR CONTAMINATED FRUIT FORBIDDEN

A person shall not sell or offer to sell, or expose for sale or have in his possession for sale, any deteriorated or unsound fruit or vegetables, or any fruit or vegetable which is contaminated with any poisonous substance.

51. HARBOURAGE FOR RATS FORBIDDEN

The occupier of every shop or other retail place of business shall by the provision of suitable cases, covers and lockers ensure that all contaminable food is at all times adequately protected from dust, flies, insects, vermin and animals, and shall cause all other stores upon such premises to be raised from the floor to such a height as to prevent rat-harbourage and so as to permit ready access beneath such goods for cleaning purposes.

52. PROTECTION OF FOOD FROM VERMIN

Every person engaged in the production, manufacture, preparation, packing, storage, carriage or delivery for sale of any food or drug shall, by the provision of suitable and effective means, at all times protect every such article of food or drug and every ingredient used in the manufacture of any such article of food or drug from rats, mice, cockroaches, flies and other insects and vermin, and from any contaminating or unwholesome substance, odour or thing.

53. PREMISES TO BE KEPT FREE FROM VERMIN AND INSECTS

Every person who uses any room or compartment, premises or place for the production, manufacture, preparation, serving, packing, storage, carriage or delivery for sale of any food or drug shall keep or cause to be kept every such room, compartment, premises or place free from rats, mice, cockroaches, flies and all other vermin and insects.

54. PRECAUTIONS DURING SERVING OF FOOD

(1) Every person packing or serving food for sale shall exercise care to avoid any unnecessary human contact with the food during the packing or serving, and for such purposes shall not -

(a) serve biscuits, unwrapped sweets or any sticky substance with the fingers but shall use a scoop or other approved implement for every such purpose;

(b) serve bacon, ham, small-goods or cooked meat with the fingers, but shall use a fork or other approved implement for every such purpose;

(c) apply his fingers to his mouth, eye, ear or nose during the performance of such packing or serving;

(d) use his breath to open any bag or wrapper;

(e) wipe his hands upon his clothing or by any other means than with a clean towel;

(f) smoke, chew or spit while at work in packing or serving; and

(g) permit any other person to handle any food with the fingers.

(2) A copy of this section printed in type of not less than 8 points face measurement shall be conspicuously displayed in every place of business where food is sold or offered for retail sale.

55. SEALING OF CONTAINERS

A person shall not sell any vegetables, fruits, pickles, sauces, jams, conserves and similar products packed in bottles or jars, unless every such container is securely sealed by means of cork, metal or other impervious cover fastened in such a manner as to prevent leakage of contents or the access of air to the contents.

56. DANGEROUS ARTICLES WITH CONFECTIONERY

A person shall not place or have in any prize packet or other package containing confectionery, or in any article of confectionery, any metallic ornament, toy, pin or other article, substance or thing which is liable to contaminate such confectionery or any article of confectionery, or is capable of proving dangerous or deleterious in the hands of a child or any other person, or sell any such prize packet or package or any article of confectionery so contaminated or so capable of proving dangerous or deleterious.

PART VI - CONDITIONS GOVERNING THE SALE OF CERTAIN FOODS

Division 1 - Fish and Shell-fish

57. FISH VENDOR'S PREMISES

A person shall not carry on the business of fish vendor on any premises unless such premises -

(a) have 2 doorways, one to be used as a business entrance and one as a service entrance;

(b) are so constructed as to permit of through ventilation of all parts of the premises used for keeping, storing, preparing or selling fish or for depositing offal; and

(c) are provided with sufficient sinks and an adequate supply of water under pressure to serve, to the satisfaction of an inspector, the full maximum requirements of the business.

58. PACKING AND CONSIGNING OF FISH

(1) Every case, basket or other receptacle in which fish for sale is contained packed or consigned shall be thoroughly cleansed by the consignee of the fish or by some person acting on his behalf immediately the fish are removed therefrom.

(2) The consignee of any such case, basket or other receptacle which is not so cleansed shall be guilty of an offence.

(3) A person shall not use any unclean case, basket or other receptacle for containing, packing, forwarding, carrying or delivering fish for sale.

(4) Any person who packs fish in any case, basket or other receptacle which is unclean shall be guilty of an offence.

(5) A person shall not in any round from house to house carry or have on a vehicle any fish for sale unless the body of such vehicle is so constructed as to be watertight and dust-proof and has the interior surface thereof lined with smooth metal or with some other impervious smooth material approved by an inspector, and is fitted with a close-fitting door or doors in such a manner as to open outwards from the back of such vehicle. The exterior surfaces of every such vehicle shall be at all times kept well painted, and both interior and exterior surfaces thereof shall be maintained at all times in a scrupulously clean condition.

(6) A person shall not hawk or deliver fish in a basket unless such basket is clean inside and out and is provided with a proper and effective clean covering.

(7) A person shall not clean, dress or prepare fish for sale, or fry fish or potatoes for sale, or render any fat used or to be used in the preparation for sale of any article of food, in any place which is not adequate in size, properly enclosed, floored, ceiled and protected as far as practicable against flies and dust by means of wire-gauze screens attached to windows and other external openings, and unless provided to the satisfaction of an inspector with automatically closing doors of wire-gauze, and is ventilated to the satisfaction of an inspector.

59. SALE OF SHELL-FISH

(1) Where oysters or other shell-fish are exposed or prepared for sale, only clean running water shall be used in the operation of opening or dipping such oysters or shell-fish.

(2) Oysters or other shell-fish intended for sale as food shall not be kept or stored in any place or manner which may in any way affect their purity or wholesomeness.

(3) A person shall not keep for sale, or sell or offer for sale, oysters or other shell-fish which have become polluted because of packing or storing under insanitary conditions or through being placed in any unclean receptacle.

(4) A second-hand bottle or other container shall not be used to hold oysters which have been removed from the shell or other shell-fish which have been removed from the shell, unless such bottle or container has been previously sterilized by boiling or by some other means approved by the Chief Health Officer and has been provided with a new tight-fitting cap, cork or cover.

(5) A person shall not sell, or offer to sell, or have in his possession for sale, oysters or any other shell-fish taken or obtained from any insanitary or polluted bed or from any other place liable to contaminate such oysters or other shell-fish.

(6) Oysters or other shell-fish found, upon bacteriological or chemical examination to be polluted, shall be deemed to be adulterated.

60. BOTTLED OYSTERS

(1) A person shall not sell any oysters or other shell-fish in containers, unless there is attached thereto a label in which is written in bold-faced sans-serif capital letters of not less than 8 points face measurement the following particulars:

Name and address of vendor.

Trade description of contents.

The date of removal from shell.

Particulars of source of supply and from whom and where obtained.

(2) Nothing in this section shall apply to oysters or other shell-fish sold in the shell, or served for any meal, or processed and packed in hermetically sealed containers.

*Division 2 - Ice, Ice-cream and Goods Stored
in Refrigerating Works*

61. METAL CONTAINERS FOR ICE-CREAM

A person shall not use any vessel of iron, copper, brass or zinc for containing or conveying ice-cream or ices for sale unless it is coated internally with tin; or use any rusty container or any vessel containing lead or which has a cracked or broken internal surface, or any vessel in such a condition as to be likely to affect injuriously or contaminate ice-cream or ices, or any preparation or material entering into the composition thereof, or adversely influence their composition.

62. CONTAINERS NOT TO BE USED FOR OTHER PURPOSES

A person shall not employ any vessel used in the manufacture or sale of ice-cream or ices as a container for any substance other than ice-cream or ices.

63. PRECAUTION IN MANUFACTURE OF ICE-CREAM

(1) The owner of any place in which ice-cream or ices, or any preparation or material entering into the composition thereof, are manufactured or prepared for sale shall -

(a) cause such place to be equipped with facilities for the proper cleaning of the hands and finger- nails of operatives; and

(b) not allow or cause any urinal, closet or sanitary convenience to be located in any room in which the manufacture of ice-cream or ices, or any preparation or material entering into the preparation thereof is performed, or to be situated or kept so as to be liable to pollute the atmosphere of the room or the materials kept or used therein.

(2) Any person immediately before engaging in the mixing of the ingredients entering into the composition of ice-cream or ices, or its subsequent freezing and handling, shall thoroughly wash and brush his or her hands and finger-nails and keep them clean during the manufacture and handling of the ice-cream or ices.

64. CLEAN GARMENTS TO BE WORN

Every person shall wear clean white outer garments while engaged in the manufacture of ice-cream and ices, or any preparation containing ice-cream or ices, for sale.

65. ICE-CREAM TO BE KEPT IN SPECIAL CONTAINER

The owner of any shop, refreshment-room, restaurant or other premises shall cause all ice-cream and ices, kept for sale therein, to be stored in a covered container, and shall cause the container to be kept tightly closed, except during such intervals as are necessary for the introduction or removal of the contents, and shall keep every such container only in such a location and under such conditions as are approved by an inspector. The owner shall cause every disher or server for use in serving ice-cream or ices when not in actual use, to be kept in a covered receptacle containing clean water.

66. PREPARATION OF ICE-CREAM

A person shall not manufacture or prepare any ice-cream or ices for sale or any preparation or material entering into the composition thereof, in any open or unenclosed place.

67. ITINERANT ICE-CREAM VENDORS

(1) A person shall not sell ice-cream from a vehicle or have any ice-cream on any vehicle under his control for the purposes of sale unless he is the holder of a valid licence issued by the Chief Health Officer to sell ice-cream from a vehicle.

(2) Any person who proposes to sell ice-cream from a vehicle shall make written application to the Chief Health Officer and shall state the place or places of manufacture and storage of the ice-cream and the place and method of cleansing of all utensils used in the business.

(3) The Chief Health Officer may withhold, refuse or grant any application for the licence, and may at any time by written notice cancel any existing licence.

(4) The licence shall be valid only in the calendar year in which it is issued, and shall be in the following form:

"NORTHERN TERRITORY OF AUSTRALIA

Food and Drugs Act

LICENCE AS ICE-CREAM VENDOR

This licence to sell ice-cream from a vehicle is issued
to _____ under and subject to the provisions of the *Food and Drugs Act* and the Regulations thereunder until 31 December, 19____, unless sooner cancelled in accordance with the provisions of that Act.

Dated this _____ day of _____, 19____,

Chief Health Officer."

68. PERSONAL CLEANLINESS

A person engaged in the manufacture, sale or delivery of ice-cream or of ices, or any preparation or material entering into the composition thereof, shall not suffer his hands or any parts of his person to come in contact with any ice-cream, ices, preparation or material.

69. CLEANLINESS OF VESSELS

A person shall not manufacture, store or deposit any ice-cream or ices for sale, or any preparation or material entering into the composition thereof, in any vessel or receptacle which is not clean; and every person engaged in the manufacture or sale of ice-cream or ices, or any preparation or material entering into the composition thereof, shall at all times maintain every vessel and utensil used for containing or coming into contact therewith in a clean condition, and shall at all times protect the contents thereof from contamination.

70. SALE OF FROZEN ICE-CREAM

A person shall not sell any ice-cream or ices which, after having been once frozen, have run down or melted, and which have again been frozen.

71. PROTECTION FROM FLIES AND DUST

A person shall not suffer the interior of any vessel used for containing ice-cream or ices for sale, or any preparation or material entering into the composition thereof, to be exposed to flies or dust.

72. NOTIFICATION OF INFECTIOUS DISEASES

Every person engaged in the manufacture, storage, transportation, sale or distribution of ice-cream or ices, immediately on the occurrence of any case of infectious disease, either in himself or in his family or amongst his employees, or within the building or premises where ice-cream or ices are manufactured, stored, sold or distributed, shall notify the Chief Health Officer, and shall forthwith suspend the sale and distribution of ice-cream and ices until authorized to resume by the Chief Health Officer.

73. STERILIZATION OF VESSELS

Any vessel which has been handled by any person suffering from any infectious disease shall not be used to hold or convey ice-cream or ices until after it has been thoroughly sterilized.

74. SALE OF IMPORTED ICE-CREAM

A person shall not sell, or have in his possession for sale, any ice-cream or ices which have been made outside the Territory unless the person or firm which has manufactured the ice-cream or ices has been approved by the Chief Health Officer.

75. COLD STORES

The owner of any refrigerating works or cold store which is at any time used for the storage of food for sale shall -

(a) maintain the entire premises at all times in a clean and sanitary condition; and

(b) at least twice in each year cause every chamber upon the premises to be thoroughly cleansed, and the interior walls to be limewashed, or otherwise treated to the satisfaction of the Chief Health Officer.

76. CERTAIN MATTERS FORBIDDEN

The owner of any refrigerating works or cold store which is at any time used for the storage of food for sale shall -

(a) not permit any uncased article of food to be stored upon the floor of any chamber;

(b) not receive any mouldy or unsound fish, meat, offal or other unsound or

offensive material on the premises to be stored, nor shall he permit any unsound fish, meat, offal or offensive material to be or to remain in any chamber;

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

(c) not permit any brine-tub to be in any chamber, excepting under the following conditions:

(i) that it shall be inspected before being brought in;

(ii) that it is constructed of hardwood, firm and tight, or other approved material;

(iii) that it shall stand on feet or blocks at least 6 inches high;

(iv) that it is provided with a closely fitting lid or cover;

(d) cause the name of the tenant and the number of every rented chamber to be affixed and main-tained upon or over the door of every such chamber in legible characters so as to be easily seen;

(e) keep upon the premises duplicate keys of every chamber, and shall, upon demand by an inspector, permit such inspector to have ready access to any chamber;

(f) provide in every chamber means of artificial light, so as to permit efficient inspection thereof and of the contents; and

(g) not permit to be in any chamber in which milk is stored any article that is likely to impart an odour to such milk, or otherwise adversely affect its quality or taste.

76A. SEPARATE STORAGE OF FOOD FOR HUMAN CONSUMPTION

(1) A person who stores or keeps, or pemits 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 compart-ment 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.

77. OBLIGATIONS OF TENANT OF COLD-STORE CHAMBERS

The tenant or occupier of every chamber in a refrigerating works or cold store shall -

(a) maintain the chamber at all times in a scrupulously clean condition;

(b) not store or suffer to be stored upon the floor of any chamber any uncased article of food;

(c) furnish and equip his chamber with shelves or racks sufficient to enable him to keep every article of food stored or held therein above the floor. Every such rack or shelf shall be made and fitted so as to be capable of ready removal for cleansing purposes;

(d) not keep nor have in any chamber rented by him any unsound or mouldy food, nor any offensive material, or unclean receptacle, apparatus, appliance or thing;

(da) no keep or have in a chamber rented by him for the storage of meat for human consumption any unprocessed pet meat;

(e) not store milk in any chamber containing any article likely to impart an odour to such milk, or otherwise adversely to affect its quality or taste, or have any water in any chamber in which milk is kept;

(f) not use printed paper for containing, covering or wrapping any article of food stored in the chamber; and

(g) within the time specified in that behalf, carry out the written instructions of an inspector relating to the upkeep of the chamber, or any food therein stored, or to the methods of handling, keeping or carrying any such food.

78. CLEANLINESS IN CARRYING MEAT

Every person transporting or carrying carcasses or portions of carcasses of meat into or out of refrigerating works and cold storage premises shall provide and use a shield of clean approved materials to prevent any meat so carried from coming into contact with his person or clothing.

79. HANDLING ICE FOR SALE

A person suffering from any infectious disease, skin affection, pulmonary tuberculosis, chronic cough, open sore or venereal disease, or who wears unclean or medicated bandages, shall not be employed in handling ice for sale, or any apparatus or utensil used in the sale, preparation or distribution of ice.

80. OBLIGATIONS OF PERSONS DELIVERING ICE

Every person engaged in the delivery of ice for sale shall -

(a) at all times maintain his person and his clothing in a clean condition;

(b) not have upon his premises or upon any vehicle any ice for sale which is not made from pure water free from solid impurities or which is not of pure white colour free from any other colour and from any impurities;

(c) not carry or deliver any ice for sale, or cause or suffer any such ice to be carried or delivered, in any receptacle or container which is not clean;

(d) not wrap ice for sale in printed or written paper or in paper that is not clean;

(e) not break ice for sale upon a cart or cart-wheel, or by any other means than with a clean instrument kept solely for the purpose;

(f) not place ice for sale upon the ground or pavement, whether or not a cloth or bag is placed beneath the ice; and

(g) not carry or deliver ice for sale in or on his bare hand, or so that the ice comes in contact with his person or clothing.

81. CARRIERS TO BE PROVIDED

Every person engaged in the business of selling ice shall provide every employee with a tray or carrier of approved material or with metal tongs for the purpose of carrying ice between the delivery cart and premises of the purchaser, and the tray, tongs or carrier shall be maintained by the employee at all times in a clean, serviceable and wholesome condition.

82. ICE IN CONTACT WITH OTHER FOOD SUBSTANCE NOT TO BE SOLD

A person shall not sell or offer for sale ice which has been in contact with any other food substance.

83. ICE TO BE DEEMED ADULTERATED

Any ice subjected or exposed to contamination in contravention of the provisions of this Act, or conveyed or delivered contrary to the prescribed conditions, shall be deemed to be adulterated.

84. PROTECTION FROM DUST

(1) Every vehicle used in the transportation or delivery of ice for sale shall be so constructed and equipped as to protect the contents from contamination by dust or otherwise, and shall be so maintained as to be at all times free from lumber and in a clean, wholesome condition.

(2) A person shall not carry ice for sale upon the exterior portion of any vehicle unless the exterior portion is enclosed in a manner to the satisfaction of an inspector.

Division 3 - Aerated Waters, Beverages, &c.

85. AERATED WATER FACTORIES. CONDITIONS TO BE OBSERVED

The owner of any premises used for the manufacture or preparation for sale of aerated waters, syrups and cordials, summer or temperance drinks or similar beverages shall comply with the following conditions:

(a) all tanks (or other receptacles) used for the storage of water which is intended to be used in the manufacture of cordials or beverages, shall be provided with impervious tightly fitting covers, which shall always be kept tightly closed; the tanks or other receptacles shall be emptied and cleansed throughout at least twice in every 12 months, and oftener if directed in writing by an inspector;

(b) filtering apparatus shall be of a type approved by the Chief Health Officer, and shall be maintained at all times in good order and condition and in a state of efficient action, and the filtering medium shall be cleansed and boiled at least once weekly;

(c) between each time of filling, bottles shall be soaked in a trough of water, thoroughly cleansed out with a brush, well rinsed by being placed in a vertical position over a jet of water, inspected and drained after rinsing and before filling;

(d) if bottles are not filled within 24 hours after being cleansed, they shall be kept mouth downwards until used;

(e) the water in which bottles are soaked before they are brush-cleaned shall be changed at least once daily;

(f) any pipe made wholly or in part of lead shall not be used for conveying any part of the materials, either gaseous or liquid, which enter into the composition of cordials or beverages for sale;

(g) syrups shall be stored only in well-made impervious receptacles with impervious tight fitting covers;

(h) all receptacles in which syrups are stored shall be cleansed thoroughly

with hot water and soda, or with superheated steam, at least once a fortnight;

(i) employees shall be cleanly in their habits, person and clothing, and shall not smoke or spit within the factory premises; and

(j) sanitary accommodation to the satisfaction of the Chief Health Officer and adequate ablutionary accommodation (for both sexes if necessary) shall be provided for the use of employees; and the sanitary conveniences shall be maintained at all times in a condition to the satisfaction of the inspector.

86. SODA FOUNTAINS. CONDITIONS TO BE OBSERVED

The owner of every soda fountain from which beverages are offered for sale, or in which materials entering into the composition of food for sale are kept, stored or prepared for sale, shall ensure that the following conditions are observed:

(a) the soda fountain shall be constructed of durable non-absorbent material, and shall be so placed and fitted that every part of the interior and exterior thereof is readily accessible for cleaning purposes;

(b) the apparatus body shall be durable, sound and free from leaks, and the body and the cabinets shall be kept at all times in a scrupulously clean and sanitary condition;

(c) every waste pipe from a soda fountain shall be of such size as to permit of a free flow and shall be so placed as to allow of ready cleansing. It shall be kept at all times sweet and clean and free from any accumulation of grease or other offensive matter. A waste or overflow pipe from a soda fountain shall not be

connected directly with a drain or sewer, but every such waste pipe shall be discharged over a trapped gully, or over an open channel leading to a trapped gully, and, in addition, shall itself be trapped immediately beneath the apparatus;

(d) any syrup-pump, tap, faucet, tank, fountain, carbonator or vessel or any pipe or conduit used in connexion with a soda fountain shall not be composed either wholly or in part of lead, or of other metal or metallic substance which, in the opinion of the Chief Health Officer, is unwholesome, dangerous or detrimental to health. All metal parts shall be kept at all times in a satisfactory condition, and when any such part becomes worn or acted upon by acids, it shall be immediately withdrawn from use until replated or renewed;

(e) every syrup container, bowl, jar, bottle and other receptacle used in connexion with the soda fountain shall be kept clean, and shall be thoroughly washed before being refilled;

(f) glasses and plate shall be kept clean;

(g) drainage boards, sinks and shelves, on which glasses are placed, shall be kept clean;

(h) adequate means of washing glassware and silver-ware shall be provided and used, and at fountains from which ice-cream or ices are served, the washing shall be performed with hot water, and a final rinsing with clean cold water shall ensue;

(i) dishers or servers for serving ice-cream or ices shall be made of an approved metal or metallic substance free from lead, shall be sanitary in construction, with parts so fixed as to be readily removable for cleansing. Dishers or servers for serving ice-cream or ices when not in actual use shall be kept in a bowl of clean water;

(j) every jar, syrup container, bowl, packer, and all drinking straws, and other articles used in connexion with the dispensing of food from a soda fountain shall be covered at all times in such a manner as to protect effectively them and their contents from contamination by flies or dust;

(k) at every soda fountain from which any imitation cordial or syrup is dispensed, or from which any cordial or syrup containing any artificial colour or any preservative is issued for sale, a placard bearing the following particulars shall be prominently displayed in a position approved by an inspector:

"The syrups [or, alternatively, such syrups as are individually named] used at this soda fountain are imitation, preservatized with [here insert the name of the preservative and the proportion in which it is present]".

"The syrups used at this soda fountain are artificially coloured", or, as the case requires.

Such particulars shall be printed on the placard in bold-faced sans-serif capital type of not less than 30 points face-measurement in such colours as to afford a distinct colour contrast to the ground of the placard;

(l) every glass-towel, dish-cloth or other article used for the like purpose, in use at soda fountains shall be clean and wholesome;

(m) every soda fountain dispenser or operator shall when on duty at such fountain wear a clean white coat or other white outer garment, and shall at all times maintain his person and clothing in a cleanly state;

(n) beverages containing any drug specified by the Minister by notice in the *Gazette*, shall not be dispensed from any soda fountain unless by a registered pharmaceutical chemist; and packages containing any such drug shall not be kept upon the fountain or upon the shelf, counter or other place used in connexion therewith unless a registered pharmacist is in charge of the apparatus; and

(o) the keeper of a soda fountain shall provide and keep a sufficient number of impervious receptacles, provided with close-fitting covers, for the reception of waste material and scraps, and such waste material and scraps shall not be placed elsewhere than in the receptacles, which shall be kept at all times in a sanitary condition and covered when not in actual use.

Division 4 - Bread, Cakes, &c.

87. BAKEHOUSES. CONDITIONS TO BE OBSERVED

(1) A person shall not use or cause or suffer to be used as a bakehouse any premises unless -

(a) the premises are ceiled and lined and have an impermeable floor of concrete cement rendered to a smooth surface, close-jointed hardwood or other approved non-absorbent material which can be flushed and washed clean with water;

(b) the ceiling of the premises is constructed of smooth metal or wood and is oil-painted or kept well limewashed;

(c) the interior surfaces of the walls of the premises are either painted with oil paint kept in cleanly condition or limewashed;

(d) every room in which dough is mixed, or in which dough, bread, cakes or pastry is kept or handled, is well ventilated and lighted;

(e) the walls, ceilings and floors are kept in a thoroughly clean and

wholesome condition; and

(f) the doors and windows are protected, to the satisfaction of an inspector, against flies and dust by means of self-closing wire-gauze doors and wire-gauze screens.

(2) Stables shall not be situated in close proximity to any premises used as a bakehouse.

88. DUTIES IMPOSED ON OWNERS OF BAKEHOUSES

The owner of any bakehouse shall -

(a) cause every pan, trough, machine, apparatus, appliance, receptacle, utensil and thing used in the bakehouse to be kept in a thoroughly clean and wholesome condition;

(b) cause every person working in the bakehouse to wear a white apron and clean and sufficient clothing, and shall dress himself accordingly if he takes any part in any operation conducted therein or connected therewith;

(c) cause flour stocks to be stored only in dry well-ventilated places and shall cause the same and all other bakehouse stores to be kept in such a place and manner as to ensure their protection from dust, rats, mice and other

vermin, and any other cause liable to cause spoilage or deterioration, of any such goods;

(d) cause each barrel, box, tub, cask, trough, machine, appliance, apparatus and utensil containing any food or food material to be kept clean and to be closely covered when not in actual use;

(e) cause every trough to be scraped and cleaned after each occasion of use, and shall not allow dough scraps or particles to remain therein or thereon;

(f) cause every floor to be kept clean and free from caked flour and grease, and for such purpose shall have every floor regularly scraped and scrubbed;

(g) provide for the use of employees an adequately equipped wash-room and a plentiful supply of potable water, soap and clean towels, and a place in which employees can change and keep their clothing;

(h) provide adequate sanitary accommodation for the use of employees, and, where females are employed, separate sanitary accommodation for the use of such females, in a location and manner satisfactory to an inspector;

(i) cause every wash-room, change-room and sanitary convenience to be kept in a clean and sanitary condition and free from refuse or lumber;

(j) not permit any horse or poultry to be at large in any yard of or on any bakehouse premises, and on any such premises on which a horse is stabled he shall provide a properly-constructed and covered manure bin into which he shall cause to be placed daily all animal droppings;

(k) cause such manure bin to be kept covered when not in actual use, and to be emptied of its contents at least once weekly; and

(l) ensure that every vehicle used in the carriage or delivery of bread for sale shall be kept at all times clean and free from refuse material of any kind.

89. EMPLOYEES IN BAKEHOUSES PROHIBITED FROM DOING CERTAIN ACTS

Any person employed in any bakehouse shall not -

(a) place any bread, cakes, pastry or any other food upon the ground or floor,

or upon any place other than a bench, shelf or rack well above the ground or floor and kept for the purpose;

(b) sit or lie on any table, bench or trough, or upon any other place on which food is prepared, handled or kept;

(c) spit, smoke or chew tobacco in any bakehouse when any work connected with the preparation of food for sale is being performed;

(d) use any bakehouse for any purpose other than that connected strictly with the preparation and baking of food;

(e) keep or have in or suffer or permit to be in any bakehouse any dog, bird or poultry;

(f) use any kerosene, petrol or other tin receptacle of a like description for the purpose of holding yeast;

(g) use or suffer to be used for covering dough or for working dough upon, any bag or sack, or material other than that approved by the Chief Health Officer and which material is kept solely for the purpose and is maintained at all times in a clean condition; or

(h) fail to observe due cleanliness of person or habits, or neglect to wash his hands before commencing work or before resuming work after visiting the sanitary convenience or urinal, or neglect to use or misuse any convenience provided by his employer for the protection of food from contamination.

Division 5 - Meals and Cooked Meats

90. UNSOUND FOOD

(1) The owner of any hotel, cafe, restaurant, cooked meat shop or refreshment room shall not have in his possession any unsound food or use or suffer to be used in the preparation of food for sale any tinned milk, fruit, jam, fish or other packed article which is "blown" or which upon opening shows any signs of decomposition, fermentation or alteration in appearance of contents.

(2) The owner of any such premises shall not use any stale eggs or rancid butter as, or in preparation of, food.

91. DUTIES OF OWNER

The owner of any hotel, cafe, restaurant, cooked meat shop or refreshment room shall -

(a) cause every milk jug, cream jug and every sugar basin used or had on any table or other place to have its contents protected against flies and dust by means of an approved effective covering, and every such receptacle shall be so constructed as to be capable of ready cleansing, and shall be free from crevices and recesses which are incapable of ready access for cleansing purposes;

(b) cause every ice-chest, meat-safe and food cupboard upon his premises to be kept at all times in a clean and wholesome condition, and shall not have therein at any time any unsound, stale or mouldy articles of food or any offensive substance of any kind whatsoever; nor shall he store any milk in any ice-chest, meat-safe or other receptacle which contains any substance likely to impart an odour to, or contaminate, such milk;

(c) provide an adequate supply of potable water for use in the preparation of

food and he shall not use any water other than potable water for such purposes or for supply to the public for drinking;

(d) not use or suffer to be used as a sleeping-room any room which is in direct communication with any dining-room, kitchen or other place used for the preparation, serving or storage of food for sale; nor shall he have or permit or suffer any bed or bedding to be in any such room;

(e) provide proper drainage facilities, and shall cause all means of drainage upon, or in connexion with, his premises to be maintained at all times in good repair and efficient action, and shall cause all sink wastes to be trapped and to discharge over trapped gullies or over a channel leading to a gully in the open air; nor shall he have or permit any direct opening to a drain or drain inlet to be within a kitchen or any other place in which food for sale is prepared or stored;

(f) provide sanitary accommodation to the satisfaction of the Chief Health Officer, and shall cause every sanitary convenience upon or in connexion with his premises to be kept at all

times in a scrupulously clean condition and every earth-closet provided with a plentiful supply of approved covering material;

(g) provide sufficient means of ablution with clean towels and soap for the use of employees, and he shall be responsible for employees handling food washing their hands before commencing work and after visiting a sanitary convenience;

(h) cause all pots, pans, kettles and other utensils used in or about the kitchen to be kept in a clean and sanitary condition; and

(i) not serve or permit to be served any food product in any container bearing the label of a brand of a similar or like product other than that of the product so served.

92. CLEANLINESS OF EMPLOYEES

Employees at hotels, boarding and lodging houses, restaurants, eating-houses, cooked meat shops and refreshment rooms shall be cleanly in their habits, person and clothing, and shall not smoke nor spit within any dining- room, kitchen or other place appurtenant thereto.

93. FILTERS

(1) A filter, other than a filter of a type approved by the Chief Health Officer, shall not be used for treating water used in the preparation of any article of food or for supply to the public for use with beverages or for ordinary drinking purposes at any premises referred to in section 92.

(2) Where a filter is in use, the keeper of any such premises shall maintain the filter at all times in a clean and sanitary condition and in a state of good repair and efficient action.

94. INFECTIOUS DISEASES

Any person having any venereal disease or any infectious disease shall not be employed, or permitted to work, in any kitchen or pantry, or take any part in any work connected directly or indirectly with the food supply in any hotel, cafe, restaurant, cooked meat shop or refreshment room until he presents a certificate signed by a registered medical practitioner showing that there is no longer any danger of his transmitting the disease and that his clothing has been properly disinfected.

95. BROKEN UTENSILS

A person shall not use in any hotel, cafe, restaurant, cooked meat shop or

refreshment room any glassware, earthenware, chinaware or other receptacle that is cracked, broken, chipped or otherwise unsound, or that is so impaired as to preclude the possibility of thorough cleansing, or serve any food to any person in any such place on or in any glassware, earthenware, china or other receptacle which is cracked, chipped or otherwise unsound, or that is so impaired as to preclude the possibility of thorough cleansing.

96. GLASS-WASHERS

(1) Whenever in the opinion of the Chief Health Officer the provision of mechanical glass-washing apparatus is necessary in any hotel bar he may, by notice in writing, require the owner to provide and install such apparatus as he directs and within the time specified in the notice:

Provided that a glass-washing apparatus shall not be approved unless it is capable of washing glasses inside and out in the one operation.

(2) Any owner who installs any glass-washing apparatus in pursuance of this section shall cause it to be used for the intended purposes and at all times maintained in a clean condition and in efficient action and repair.

(3) Any owner who fails to comply with the pro-visions of this section shall be guilty of an offence.

97. APPROVED GLASS-WASHERS

(1) An owner shall not, in any premises or place in which or where drinks of any kind are sold, use or have any glass-washing apparatus other than that of a kind approved by the Chief Health Officer.

(2) An owner shall not, in any such premises or place, use or have any glass-washing apparatus which includes a brush or which is not capable of completely washing a glass inside and out (including the rim) in the one operation when the water supply is turned on by the operator.

98. FOOD NOT TO BE RE-SERVED

Food that has been served to any person on any premises where meals to the public are served and then returned to the kitchen or serving-room shall not again be used for or served to any other person.

99. CELLARS NOT TO BE USED

A cellar, basement or underground room shall not, except with the consent in writing of the Chief Health Officer, be used for the manufacture, preparation or serving of food for sale.

100. PROTECTION OF FOOD TO BE MAINTAINED

(1) All appliances, conveniences and means provided for the protection of food from contamination upon any premises, wherein or whereon any article of food for sale is served, prepared, manu-factured, stored or handled, shall be constantly and properly used and applied by the owner, and any person by whose act, default, neglect or omission such food is exposed to contamination shall be guilty of an offence.

(2) Any person wilfully damaging, destroying, removing or rendering inoperative any appliance, con-venience or means provided by the owner for the protection of food from contamination shall be guilty of an offence.

101. FINGERS NOT TO BE USED

A cook or other person serving meat or any other food for sale at any hotel, refreshment room, restaurant, boarding-house or other place where foods are sold or prepared for sale, shall not portion out food of any kind on to plates or dishes with his fingers but shall use a clean fork, spoon or other

instrument.

102. PROTECTION FROM FLIES AND DUST

All jars, glasses, syrup containers, decanters, bottles, bowls, drinking-straws and every other article used in connexion with the dispensing of food shall be kept covered at all times in such a manner as to protect same and contents effectively from contamination by flies and dust.

103. CROCKERY TO BE CLEAN

The owner of any premises or place in which or on which meals of any description are served to the public, shall cause every article of crockery, tableware and silverware to be thoroughly cleansed with hot water and soda or soap immediately after each occasion of use, and an owner shall not permit any such article to be placed upon any table or before any customer unless it is thoroughly clean and is free from any crack, chip or other objectionable defect.

104. TABLE LINEN TO BE CLEAN

(1) The owner of any premises or place in which or on which meals of any kind are served to the public shall cause all table-linen to be kept clean, and shall not allow to be placed upon any table or before any customer any table napkin or serviette which is unclean or which has been used by any other person unless it has been washed and laundered since the last occasion of use.

(2) Any such owner shall cause every cruet to be kept clean and its condiment containers to be stoppered and properly closed, and shall cause the contents of every condiment container to be sound and fresh, and so that such contents comply with the standard prescribed by any law in force in the Territory for any such article, or with any name applied thereto.

105. SINKS TO BE PROVIDED

In every place where water under pressure is available, or can reasonably be made available, the owner of premises on which beverages of any kind are sold shall provide in the shop, or any other place in which beverages are sold or dispensed, a sink fitted under a tap connected with the water supply, in which the washing of glasses used to contain or serve such beverages shall be performed immediately after each occasion of use with clean running water. Every such wash-sink shall be constructed and located to the satisfaction of the inspector, and shall be maintained at all times in a clean and wholesome condition. The sink waste pipe shall be trapped immediately beneath the fitting, and shall discharge over a trapped gully or open drain leading to a trapped gully or other place approved by an inspector not being in or under any building.

106. GLASSES TO BE CLEAN

(1) Any person who serves any beverage for sale in a glass which has not been thoroughly washed in clean running water since the last occasion of use of the glass shall be guilty of an offence.

(2) In every place in which beverages of any kind are sold, and where water under pressure is not available, or cannot reasonably be made available, such means of cleansing glasses immediately after each occasion of use shall be provided by the owner as will ensure cleanliness and freedom from contamination, and a glass shall not be furnished by the owner for use by any customer unless it has been previously washed and rinsed in clean water; and when any special means of cleansing glasses is required by an inspector, the owner shall comply with every notice served upon him in writing by the inspector requiring him to adopt such special means, and within the time stated in the notice.

PART VII - MISCELLANEOUS

107. CONSTRUCTION OF TAPS USED IN THE DRAWING OF FOOD FOR SALE

A person shall not use any tap in the drawing of any food for sale unless the tap is constructed -

(a) in such a manner as to be detachable from the vessel, utensil or conveyor to which it is attached;

(b) in such a manner as to permit the ready cleansing of all internal parts;

(c) so that the whole of the interior surface is perfectly smooth and free from undulations and irregularities and is coated with tin throughout its full length; and

(d) so that the tap-plug consists of solid metal, and that every aperture through it is cut straight and is free from recesses.

108. CONDUCT OF CHEMISTS' SHOPS

Every person carrying on the business of a chemist shall cause the following provisions to be observed:

(a) the entire premises wherein his business is conducted shall be kept at all times in a clean and sanitary condition;

(b) the counters, shelves, drawers and bins in the premises shall be free from dust and dirt;

(c) measures, mortars and other apparatus and glassware used therein in preparing drugs shall be kept clean;

(d) prescription bottles used in the business shall be washed and cleaned before filling;

(e) powder papers used in the business shall be made of clean paper;

(f) back shop and basements of the premises shall be kept clean, well-ventilated and lighted, and free of lumber and refuse;

(g) store-rooms used in the business shall be dry, free from litter, and suitable for the storage of medical preparations;

(h) where a filter is in use at a chemist's shop for filtering water, the filter shall be of a type approved by the Chief Health Officer, and a filter other than a type approved by the Chief Health Officer shall not be used upon the premises; and

(i) where a soda fountain is operated in a chemist's shop, the provisions of section 86 shall apply to its operation.

109. DEALING IN ABSINTHE PROHIBITED

(1) Any person who sells, or in any manner disposes of, delivers or supplies to any other person, or deals or traffics in, or has in his possession, order or dis-position, any of the liquor known as "absinthe", shall be liable to a penalty for a first offence of not more than \$500, and for a second or any subsequent offence of not more than \$1,000.

(2) In this section, without restricting the meaning of the word "possession",

absinthe shall be deemed to be in the possession of any person so long as it remains or is upon any land or premises occupied by him, or is enjoyed or controlled by him in any place whatever, unless it is shown that he had no knowledge thereof.

110. PENALTIES

Any person who is guilty of any offence against this Act or who contravenes or fails to comply with any provision of this Act shall be guilty of an offence, and shall be liable, upon conviction to a penalty not exceeding \$500; and where the offence is a continuing offence, a penalty not exceeding \$100 for every day during which the offence continues; but so that the total of such penalties shall not exceed \$2,500.

110A. REGULATORY OFFENCES

An offence of contravening or failing to comply with section 12(a) or (b), 15(2), 17, 18(2), 23, 25, 29, 31, 32, 33, 34, 35, 36, 38, 40, 42, 43, 44, 46, 47, 48, 54, 55, 56, 57, 58(2) or (4), 60, 62, 65, 66, 67(1), 68, 70, 74, 76(c), (e) or (f), 77(c), (f) or (g), 78, 80(d), (e), (f) or (g), 82, 84(2), 85 (other than (d) or (e)), 86(a), (b), (c), (e), (h), (i), (k) or (o), 87, 88(a), (c), (d), (e), (f), (g) or (h), 89 (other than (h)), 91, 95, 96, 97, 98, 99, 101, 102, 103, 104(1), 105, 106, 107 or 108 is a regulatory offence.

111. REGULATIONS

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which are, by this Act, required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular prescribing matters for and in relation to -

(a) the disposal of waste liquor in any premises or booth in respect of which a person is licensed or authorized to sell liquor under the *Liquor Act*; and

(b) penalties for offences against the regulations but so that no penalty shall exceed \$500 and where an offence is a continuing offence a penalty for any day during which the offence continues shall not exceed \$100 and the total penalty on conviction for an offence which is a continuing offence shall not exceed \$2,500.

Notes

1. The *Food (Interim Provisions) Regulations* comprise the *Food and Drugs Ordinance* 1936 as amended by the other Ordinances and Acts specified in the following table:

Ordinance, Act Number and Date notified in Commonwealth Gazette	Date of commencement
---	----------------------

*Food and Drugs No. 13, 1936 22 Oct 1936 1 Dec 1936
Ordinance 1936*

Date of
assent by
Administrator

*Food and Drugs No. 19, 1954 8 Dec 1954 9 Feb 1955
Ordinance 1954*

*Food and Drugs No. 6, 1957 12 Apr 1957 12 Apr 1957
Ordinance 1957*

*Food and Drugs No. 17, 1959 26 June 1959 26 June 1959
Ordinance 1959*

Ordinance,	Act Number and	Date of	Date of
year	assent by	commencement	
Administrator			

*Administrator's No. 22, 1959 7 July 1959 28 Apr 1960
Council Ordinance
1959*

*Food and Drugs No. 5, 1968 20 Mar 1968 20 March 1968
Ordinance 1968*

*Food and Drugs No. 52, 1969 10 Dec 1969 10 Dec 1969
Ordinance 1969*

*Ordinances No. 87, 1973 11 Dec 1973 11 Dec 1973,
Revision but see
Ordinance 1973 s. 12(2)
as amended (a) No. 34, 1974 26 Aug 1974 11 Dec 1973,
but see
s. 3(2)
No. 69, 1974 24 Oct 1974 11 Dec 1973,
but see s. 3
No. 27, 1976 28 June 1976 ss 1, 2 and
6:
28 Jun 1976,
but see
s. 6(2)
ss 3 and 4:
11 Dec 1973
s. 5:
24 Oct 1974*

*Statute Law No. 95, 1978 5 Sept 1978 5 Sept 1978
Revision Act*

1978

*Transfer of Powers No. 122, 1978 21 Dec 1978 1 Jan 1979,
(Health) Act 1978 but see s. 3*

*Food and Drugs Act No. 44, 1979 27 Apr 1979 21 Mar 1980
1979*

*Statute Law No. 128, 1979 15 Oct 1979 15 Oct 1979
Revision Act
(No. 2) 1979*

*Food and Drugs No. 106, 1981 21 Dec 1981 1 May 1982
Amendment Act
1981*

*Food and Drugs No. 5, 1982 23 Feb 1982 23 Feb 1982
Amendment Act
(No. 2) 1982*

Ordinance,	Act Number and	Date of	Date of
	year	assent by	commencement
Administrator			

*Statute Law No. 54, 1982 8 Oct 1982 8 Oct 1982
Revision Act
(No. 2) 1982*

*Criminal Law No. 68, 1983 28 Nov 1983 1 Jan 1984
(Regulatory
Offences) Act 1983*

*Food and Drugs No. 73, 1983 28 Nov 1983 1 June 1984
Amendment Act 1983*

*Statute Law No. 17, 1997 11 April 1997 s. 16: NC
Revision Act 1997 Remainder:
1 May 1997*

(a) General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance* 1973 (as amended) to the following provisions: Ss 3, 5, 6, 12, 13, 14, 16, 21, 23, 29, 30, 41, 54, 57, 60, 67, 76, 85, 86, 93, 108, 109 and 111.

Table of Amendments

Long title Amended by No. 106, 1981, s. 5

Section

1.	Amended by No. 58, 1978, s. 4; No. 106, 1981, s. 5
2.	Amended by No. 106, 1981, s. 5
3.(1)	Amended by No. 106, 1981, s. 5
4.	Repealed by No. 128, 1979, s. 37
5.	Amended by No. 6, 1957, s. 2; No. 17, 1959, s. 2; No. 52, 1969, s. 2; No. 122, 1978, s. 26; No. 106, 1981, ss 4 and 5; No. 73, 1983, s. 4; No. 17, 1997, s. 18
6.	Amended by No. 106, 1981, s. 5
7.(1)	Amended by No. 22, 1959, s. 6; No. 122, 1978, s. 27; No. 106, 1981, s. 5
7.(2)	Amended by No. 22, 1959, s. 6; No. 122, 1978, s. 27
9.	Amended by No. 22, 1959, s. 6; No. 122, 1978, s. 27
11.	Amended by No. 106, 1981, s. 5
12.	Amended by No. 22, 1959, s. 6; No. 122, 1978, s. 27
13.	Amended by No. 106, 1981, s. 5
14.(3)	Amended by No. 22, 1959, s. 6; No. 122, 1978, s. 27
15.(1)	Amended by No. 22, 1959, s. 6; No. 122, 1978, s. 27; No. 44, 1979, s. 4
15.(2)	Amended by No. 44, 1979, s. 4
16.	Amended by No. 106, 1981, s. 5
18.(1)	Amended by No. 22, 1959, s. 6; No. 122, 1978, s. 27; Amended by No. 17, 1997, s. 18
19.(1)	Amended by No. 122, 1978, s. 28; No. 17, 1997, s. 18
19.(2)	Amended by No. 122, 1978, s. 28; No. 17, 1997, s. 18
20.(1)	Amended by No. 106, 1981, s. 5
20.(3)	Omitted by No. 44, 1979, s. 4
21.(1)	Amended by No. 106, 1981, s. 5; No. 5, 1982, s. 3; No. 73, 1983, s. 5
21.(1A)	Inserted by No. 17, 1959, s. 3
21.(1AA)	Inserted by No. 73, 1983, s. 5
21.(1B)	Inserted by No. 73, 1983, s. 5
21.(2)	Omitted by No. 73, 1983, s. 5
21.(4)	Amended by No. 106, 1981, s. 5
21.(5)	Omitted by No. 73, 1983, s. 5
21.(6)	Amended by No. 122, 1978, s. 28
21.(7)	Amended by No. 122, 1978, s. 28
21.(8)	Amended by No. 73, 1983, s. 5
21A.	Inserted by No. 73, 1983, s. 6
23.(1)	Amended by No. 17, 1997, s. 18
23.(2)	Amended by No. 17, 1997, s. 18
23.(3)	Amended by No. 17, 1997, s. 18
27.	Amended by No. 17, 1997, s. 18
30.	Substituted by No. 19, 1954, s. 3
32.(1)	Amended by No. 17, 1997, s. 18
32.(2)	Added by No. 73, 1983, s. 7; Amended by No. 17, 1997, s. 18
42.	Amended by No. 17, 1997, s. 18
44.(1)	Amended by No. 73, 1983, s. 8
44.(2)	Added by No. 73, 1983, s. 8

44A.	Inserted by No. 73, 1983, s. 9
59.(4)	Amended by No. 17, 1997, s. 18
67.(1)	Amended by No. 17, 1997, s. 18
67.(2)	Amended by No. 17, 1997, s. 18
67.(3)	Amended by No. 17, 1997, s. 18
67.(4)	Amended by No. 106, 1981, s. 5; No. 17, 1997, s. 18
72.	Amended by No. 17, 1997, s. 18
74.	Amended by No. 17, 1997, s. 18
75.	Amended by No. 17, 1997, s. 18
76.	Amended by No. 73, 1983, s. 10
76A.	Inserted by No. 73, 1983, s. 11
77.	Amended by No. 73, 1983, s. 12
78.	Amended by No. 106, 1981, s. 5
83.	Amended by No. 106, 1981, s. 5
86.	Amended by No. 122, 1978, s. 28; No. 17, 1997, s. 18
89.	Amended by No. 17, 1997, s. 18
91.	Amended by No. 17, 1997, s. 18
93.	Amended by No. 17, 1997, s. 18
93.(1)	Amended by No. 17, 1997, s. 18
096.(1)	Amended by No. 17, 1997, s. 18
97.(1)	Amended by No. 17, 1997, s. 18
99.	Amended by No. 17, 1997, s. 18
108.	Amended by No. 17, 1997, s. 18
109.(1)	Amended by No. 5, 1968, s. 2; No. 106, 1981, s. 5; No. 5, 1982, s. 4
110.	Amended by No. 5, 1968, s. 3; No. 106, 1981, s. 5; No. 5, 1982, s. 5
110A.	Inserted by No. 68, 1983, s. 20
111.	Amended by No. 5, 1968, s. 4; No. 52, 1969, s. 3; No. 95, 1978, s. 14; No. 106, 1981, s. 5; No. 5, 1982, s. 6; No. 54, 1982, s. 2