

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 79, 1969.

An Act to increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE

Pure Food (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Pure Food (Amendment) Act, 1969".

Amendment of Act No. 31, 1908. **2.** The Pure Food Act, 1908, is amended—

Sec. 35.
(Analysis not to be referred to for trade purposes.) (a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars";

Sec. 36.
(Penalty for offence against this Act.) (b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";

(ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";

(iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";

Sec. 37.
(Interference with official marks or seals.) (c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars";

Sec. 38.
(Obstruction of officer in discharge of his duties.) (d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars";

(e)

Pure Food (Amendment).

- (e) by inserting in subsection one of section thirty-nine after the words "this Act" the words "or the regulations"; Sec. 39.
(Forfeiture of articles of food or appliance.)
- (f) (i) by inserting in subsection one of section 39A after the word "Act" the words "or the regulations"; Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)
- (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- (g) (i) by omitting from subsection three of section fifty-one the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 51.
(Power to require information to be made available.)
- (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- (h) by inserting next after section fifty-one the following new section :— New sec. 51A.
- 51A. (1) In this section— Power to close dirty food stores, etc.
- "Director-General" means the Director-General of Public Health and includes a person acting as Director-General of Public Health;
- "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
- "proprietor"—
- (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food store

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

(b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

(ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

and includes any person in charge or apparently in charge of the vehicle; and

(c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

(ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

(2) Where the Director-General is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of twenty-four hours after the service of the instrument on the proprietor.

(3)

Pure Food (Amendment).

(3) If, after the expiration of that period, the Director-General is not satisfied that the food store, food vehicle or appliance to which the order relates has been put into a clean and sanitary condition, the Director-General may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, as the case may be, order that—

- (a) the food store shall not be kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) the food vehicle shall not be kept or used for the delivery or conveyance for sale of any food or drug; or
- (c) the appliance shall not be used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

until an officer has given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition.

(4) The proprietor of a food store, food vehicle or appliance on whom an order under subsection three of this section is served may at any time after the order has been served request, in writing, the Director-General to cause the food store to be inspected by an officer or the food vehicle or appliance to be so inspected at a place specified in the request.

(5) Where a request is so made and the food store, food vehicle or appliance to which the request relates is inspected by an officer within a period of twenty-four hours after the receipt of the

request

Pure Food (Amendment).

request by the Director-General and the officer making the inspection refuses to give to the proprietor a certificate under subsection three of this section in respect of the food store, food vehicle or appliance, the proprietor may appeal against the refusal, in the manner prescribed by rules of court, to the District Court for the district in which the food store is situated or in which is situated the place at which he requested the food vehicle or appliance to be inspected.

(6) Where a request is so made and the food store, food vehicle or appliance to which the request relates is not inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General, a certificate in respect of the food store, food vehicle or appliance shall be deemed, for the purposes of subsection seven of this section, to have been given to the proprietor under subsection three of this section.

(7) Where an order under subsection three of this section has been served on the proprietor of a food store, food vehicle or appliance and—

- (a) a certificate in respect thereof has not subsequently been given under that subsection; or
- (b) an appeal under subsection five of this section against the refusal of an officer to give such a certificate has not been allowed,

any person who—

- (c) keeps or uses the food store for the sale or storage, manufacture or preparation for sale of any food or drug;

(d)

Pure Food (Amendment).

- (d) keeps or uses the food vehicle for the delivery or conveyance for sale of any food or drug; or
- (e) uses the appliance in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

shall be guilty of an offence against this Act and liable to a penalty not exceeding two thousand dollars or to imprisonment for a term not exceeding six months, or to both such penalty and imprisonment.

(8) An appeal under subsection five of this section shall be in the nature of a rehearing but shall not operate to stay the order made by the Director-General under subsection three of this section or affect the liability of any person for an offence under subsection seven of this section.

(9) The costs of an appeal under subsection five of this section shall be in the discretion of the court.

(10) An order under subsection two or three of this section may be made with respect to—

- (a) any food store or food vehicle specified in the order;
- (b) any food store or food vehicle so specified and all appliances contained therein or any appliances so specified and contained therein; or
- (c) any appliance so specified or all appliances contained in a food store or food vehicle so specified.

(i)

Pure Food (Amendment).

Sec. 54.
(Regulations
made on
recommen-
dation of
advisory
committee.)

- (i) (i) by omitting from subsection one of section fifty-four the words "prescribing penalties" and by inserting in lieu thereof the words "prescribing, in respect of the contravention of any regulation relating to the keeping of premises, food or appliances in a clean condition or free from vermin, penalties not exceeding five hundred dollars for the first offence, not exceeding one thousand dollars for the second offence and not exceeding two thousand dollars or imprisonment for a term of six months or both such penalty and imprisonment for a subsequent offence, and a continuing penalty not exceeding fifty dollars per diem and, in respect of the contravention of any other regulation, penalties";
- (ii) by omitting from the same subsection the words ", for a contravention of any provision of the regulations".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 79, 1969.

An Act to increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

(9) L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Pure Food (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Pure Food (Amendment) Act, 1969".

Amendment
of Act No.
31, 1908.

2. The Pure Food Act, 1908, is amended—

Sec. 35.
(Analysis
not to be
referred
to for
trade
purposes.)

(a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars";

Sec. 36.
(Penalty
for offence
against
this Act.)

(b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";

(ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";

(iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";

Sec. 37.
(Interfer-
ence with
official
marks or
seals.)

(c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars";

Sec. 38.
(Obstruction
of officer
in discharge
of his
duties.)

(d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars";

(e)

Pure Food (Amendment).

- (e) by inserting in subsection one of section thirty-nine after the words "this Act" the words "or the regulations"; Sec. 39.
(Forfeiture of articles of food or appliance.)
- (f) (i) by inserting in subsection one of section 39A after the word "Act" the words "or the regulations"; Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)
- (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- (g) (i) by omitting from subsection three of section fifty-one the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 51.
(Power to require information to be made available.)
- (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- (h) by inserting next after section fifty-one the following new section :— New sec. 51A.
- 51A. (1) In this section—
- "Director-General" means the Director-General of Public Health and includes a person acting as Director-General of Public Health;
- "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
- "proprietor"—
- (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food store Power to close dirty food stores, etc.

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

(b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

(ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

and includes any person in charge or apparently in charge of the vehicle; and

(c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

(ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

(2) Where the Director-General is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of twenty-four hours after the service of the instrument on the proprietor.

(3)

Pure Food (Amendment).

(3) If, after the expiration of that period, the Director-General is not satisfied that the food store, food vehicle or appliance to which the order relates has been put into a clean and sanitary condition, the Director-General may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, as the case may be, order that—

- (a) the food store shall not be kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) the food vehicle shall not be kept or used for the delivery or conveyance for sale of any food or drug; or
- (c) the appliance shall not be used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

until an officer has given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition.

(4) The proprietor of a food store, food vehicle or appliance on whom an order under subsection three of this section is served may at any time after the order has been served request, in writing, the Director-General to cause the food store to be inspected by an officer or the food vehicle or appliance to be so inspected at a place specified in the request.

(5) Where a request is so made and the food store, food vehicle or appliance to which the request relates is inspected by an officer within a period of twenty-four hours after the receipt of the

request

Pure Food (Amendment).

request by the Director-General and the officer making the inspection refuses to give to the proprietor a certificate under subsection three of this section in respect of the food store, food vehicle or appliance, the proprietor may appeal against the refusal, in the manner prescribed by rules of court, to the District Court for the district in which the food store is situated or in which is situated the place at which he requested the food vehicle or appliance to be inspected.

(6) Where a request is so made and the food store, food vehicle or appliance to which the request relates is not inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General, a certificate in respect of the food store, food vehicle or appliance shall be deemed, for the purposes of subsection seven of this section, to have been given to the proprietor under subsection three of this section.

(7) Where an order under subsection three of this section has been served on the proprietor of a food store, food vehicle or appliance and—

- (a) a certificate in respect thereof has not subsequently been given under that subsection; or
- (b) an appeal under subsection five of this section against the refusal of an officer to give such a certificate has not been allowed,

any person who—

- (c) keeps or uses the food store for the sale or storage, manufacture or preparation for sale of any food or drug;

(d)

Pure Food (Amendment).

- (d) keeps or uses the food vehicle for the delivery or conveyance for sale of any food or drug; or
- (e) uses the appliance in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

shall be guilty of an offence against this Act and liable to a penalty not exceeding two thousand dollars or to imprisonment for a term not exceeding six months, or to both such penalty and imprisonment.

(8) An appeal under subsection five of this section shall be in the nature of a rehearing but shall not operate to stay the order made by the Director-General under subsection three of this section or affect the liability of any person for an offence under subsection seven of this section.

(9) The costs of an appeal under subsection five of this section shall be in the discretion of the court.

(10) An order under subsection two or three of this section may be made with respect to—

- (a) any food store or food vehicle specified in the order;
- (b) any food store or food vehicle so specified and all appliances contained therein or any appliances so specified and contained therein; or
- (c) any appliance so specified or all appliances contained in a food store or food vehicle so specified.

(i)

Pure Food (Amendment).

Sec. 54.
(Regulations
made on
recommen-
dation of
advisory
committee.)

- (i) (i) by omitting from subsection one of section fifty-four the words "prescribing penalties" and by inserting in lieu thereof the words "prescribing, in respect of the contravention of any regulation relating to the keeping of premises, food or appliances in a clean condition or free from vermin, penalties not exceeding five hundred dollars for the first offence, not exceeding one thousand dollars for the second offence and not exceeding two thousand dollars or imprisonment for a term of six months or both such penalty and imprisonment for a subsequent offence, and a continuing penalty not exceeding fifty dollars per diem and, in respect of the contravention of any other regulation, penalties";
- (ii) by omitting from the same subsection the words ", for a contravention of any provision of the regulations".

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 3rd December, 1969.*

(i)

PURE FOOD (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 5 November, 1969*

No. 1.—Page 3, clause 2. After line 21 insert—

“Director-General” means the Director-General of Public Health and includes a person acting as Director-General of Public Health;

No. 2.—Page 3, clause 2, lines 32–33. *Omit* all words on these lines.

No. 3.—Page 4, clause 2, line 23. *Omit* “president of the board”, insert **“Director-General”**.

No. 4.—Pages 5 and 6, clause 2. *Omit* all words on page 5 and all words on lines 1–18 on page 6, insert—

(3) **If, after the expiration of that period, the Director-General is not satisfied that the food store, food vehicle or appliance to which the order relates has been put into a clean and sanitary condition, the Director-General may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, as the case may be, order that—**

- (a) **the food store shall not be kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;**
- (b) **the food vehicle shall not be kept or used for the delivery or conveyance for sale of any food or drug; or**
- (c) **the appliance shall not be used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,**

until an officer has given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition.

(4) **The proprietor of a food store, food vehicle or appliance on whom an order under subsection three of this section is served may at any time after the order has been served request, in writing, the Director-General to cause the food store to be inspected by an officer or the food vehicle or appliance to be so inspected at a place specified in the request.**

(5) **Where a request is so made and the food store, food vehicle or appliance to which the request relates is inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General and the officer making the inspection refuses to give to the proprietor a certificate under subsection three of this section in respect of the food store, food vehicle or appliance, the proprietor may appeal against the refusal, in the manner prescribed by rules of court, to the District Court for the district in which the food store is situated or in which is situated the place at which he requested the food vehicle or appliance to be inspected.**

(6) Where a request is so made and the food store, food vehicle or appliance to which the request relates is not inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General, a certificate in respect of the food store, food vehicle or appliance shall be deemed, for the purposes of subsection seven of this section, to have been given to the proprietor under subsection three of this section.

(7) Where an order under subsection three of this section has been served on the proprietor of a food store, food vehicle or appliance and—

(a) a certificate in respect thereof has not subsequently been given under that subsection; or

(b) an appeal under subsection five of this section against the refusal of an officer to give such a certificate has not been allowed,

any person who—

(c) keeps or uses the food store for the sale or storage, manufacture or preparation for sale of any food or drug;

(d) keeps or uses the food vehicle for the delivery or conveyance for sale of any food or drug; or

(e) uses the appliance in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

shall be guilty of an offence against this Act and liable to a penalty not exceeding two thousand dollars or to imprisonment for a term not exceeding six months, or to both such penalty and imprisonment.

(8) An appeal under subsection five of this section shall be in the nature of a rehearing but shall not operate to stay the order made by the Director-General under subsection three of this section or affect the liability of any person for an offence under subsection seven of this section.

(9) The costs of an appeal under subsection five of this section shall be in the discretion of the court.

(10) An order under subsection two or three of this

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 September, 1969.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 5 November, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1969.

An Act to increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith.

BE

87599 29—A

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

Pure Food (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pure Food Short title. (Amendment) Act, 1969".

2. The Pure Food Act, 1908, is amended—

- | | | |
|----|--|--|
| | | Amendment
of Act No.
31, 1908. |
| 10 | (a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars"; | Sec. 35.
(Analysis not to be referred to for trade purposes.) |
| 15 | (b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 36.
(Penalty for offence against this Act.) |
| | (ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars"; | |
| 20 | (iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars"; | |
| 25 | (c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 37.
(Interference with official marks or seals.) |
| | (d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 38.
(Obstruction of officer in discharge of his duties.) |
| | (e) | |

Pure Food (Amendment).

- (e) by inserting in subsection one of section thirty-nine after the words "this Act" the words "or the regulations"; Sec. 39.
(Forfeiture of articles of food or appliance.)
- 5 (f) (i) by inserting in subsection one of section 39A after the word "Act" the words "or the regulations"; Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)
- 10 (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- (g) (i) by omitting from subsection three of section fifty-one the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 51.
(Power to require information to be made available.)
- 15 (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- 20 (h) by inserting next after section fifty-one the following new section :— New sec. 51A.

Power to close dirty food stores, etc.
- 25 51A. (1) In this section—
 "Director-General" means the Director-General of Public Health and includes a person acting as Director-General of Public Health;
- "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- 30 "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
- ~~"president of the board" includes a person acting as president of the board;~~
- "proprietor"—
- 35 (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food

store

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

5 (b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

10 (ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

15 and includes any person in charge or apparently in charge of the vehicle; and

(c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

20 (ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

25 (2) Where the ~~president of the board~~ **Director-General** is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of twenty-four hours after the service of the instrument on the proprietor.

Pure Food (Amendment).

(3) If, after the expiration of that period—

- 5 (a) any food store to which the order relates is kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) any food vehicle to which the order relates, is kept or used for the delivery or conveyance for sale of any food or drug; or
- 10 (c) any appliance to which the order relates, is used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying any food or drug,

15 without an officer having given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that, since the order was made, the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition, the proprietor shall be guilty of

20 an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(4) Where—

- 25 (a) an order has been made under subsection two of this section in respect of any food store, food vehicle or appliance;
- (b) a period of twenty-four hours after service of the order on the proprietor of the food store, food vehicle or appliance has elapsed; and
- 30 (c) a certificate referred to in subsection three of this section, consequent upon the making of that order, has not been given to the proprietor.

Pure Food (Amendment).

an officer may affix to any part of the food store, food vehicle or appliance, including any such part that is visible from a public place, signs in the prescribed form bearing the word "unclean" and such other particulars as may be prescribed.

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(5) A person who defaces, obscures, removes or interferes with any such sign is guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars unless—

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(a) he does so pursuant to the written authority of the president of the board; or

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(b) an officer has, after the sign was affixed, given a certificate referred to in subsection three of this section certifying that the food store, food vehicle or appliance to which the sign was affixed has been put into and is in a clean and sanitary condition.

(6) An order under subsection two of this

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(3) If, after the expiration of that period, the Director-General is not satisfied that the food store, food vehicle or appliance to which the order relates has been put into a clean and sanitary condition, the Director-General may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, as the case may be, order that—

25

(a) the food store shall not be kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;

30

(b) the food vehicle shall not be kept or used for the delivery or conveyance for sale of any food or drug; or

(c)

Pure Food (Amendment).

(c) the appliance shall not be used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

5 until an officer has given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition.

10 (4) The proprietor of a food store, food vehicle or appliance on whom an order under subsection three of this section is served may at any time after the order has been served request, in writing, the Director-General to cause the food store to be inspected by an officer or the food vehicle or
15 appliance to be so inspected at a place specified in the request.

(5) Where a request is so made and the food store, food vehicle or appliance to which the request relates is inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General and the officer making the inspection refuses to give to the proprietor a certificate under subsection three of this section
20 in respect of the food store, food vehicle or appliance, the proprietor may appeal against the refusal, in the manner prescribed by rules of court, to the District Court for the district in which the food store is situated or in which is situated the place at which he requested the food vehicle or
25 appliance to be inspected.

(6) Where a request is so made and the food store, food vehicle or appliance to which the request relates is not inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General, a certificate
35

in

Pure Food (Amendment).

in respect of the food store, food vehicle or
appliance shall be deemed, for the purposes of
subsection seven of this section, to have been given
to the proprietor under subsection three of this
section.

(7) Where an order under subsection three
of this section has been served on the proprietor of
a food store, food vehicle or appliance and—

(a) a certificate in respect thereof has not
subsequently been given under that
subsection; or

(b) an appeal under subsection five of this
section against the refusal of an officer to
give such a certificate has not been
allowed,

any person who—

(c) keeps or uses the food store for the sale or
storage, manufacture or preparation for
sale of any food or drug;

(d) keeps or uses the food vehicle for the
delivery or conveyance for sale of any food
or drug; or

(e) uses the appliance in or for the making,
manufacturing, keeping, preserving, prepar-
ing, handling, serving or supplying of any
food or drug,

shall be guilty of an offence against this Act and
liable to a penalty not exceeding two thousand
dollars or to imprisonment for a term not exceed-
ing six months, or to both such penalty and
imprisonment.

(8) An appeal under subsection five of this
section shall be in the nature of a rehearing but
shall not operate to stay the order made by the
Director-General under subsection three of this
section or affect the liability of any person for an
offence under subsection seven of this section.

(9)

PURE FOOD (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 5 November, 1969*

No. 1.—Page 3, clause 2. After line 21 insert—

“Director-General” means the Director-General of Public Health and includes a person acting as Director-General of Public Health;

No. 2.—Page 3, clause 2, lines 32–33. *Omit* all words on these lines.

No. 3.—Page 4, clause 2, line 23. *Omit* “president of the board”, insert **“Director-General”**.

No. 4.—Pages 5 and 6, clause 2. *Omit* all words on page 5 and all words on lines 1–18 on page 6, insert—

(3) If, after the expiration of that period, the Director-General is not satisfied that the food store, food vehicle or appliance to which the order relates has been put into a clean and sanitary condition, the Director-General may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, as the case may be, order that—

- (a) the food store shall not be kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) the food vehicle shall not be kept or used for the delivery or conveyance for sale of any food or drug; or
- (c) the appliance shall not be used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

until an officer has given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition.

(4) The proprietor of a food store, food vehicle or appliance on whom an order under subsection three of this section is served may at any time after the order has been served request, in writing, the Director-General to cause the food store to be inspected by an officer or the food vehicle or appliance to be so inspected at a place specified in the request.

(5) Where a request is so made and the food store, food vehicle or appliance to which the request relates is inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General and the officer making the inspection refuses to give to the proprietor a certificate under subsection three of this section in respect of the food store, food vehicle or appliance, the proprietor may appeal against the refusal, in the manner prescribed by rules of court, to the District Court for the district in which the food store is situated or in which is situated the place at which he requested the food vehicle or appliance to be inspected.

(6) Where a request is so made and the food store, food vehicle or appliance to which the request relates is not inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General, a certificate in respect of the food store, food vehicle or appliance shall be deemed, for the purposes of subsection seven of this section, to have been given to the proprietor under subsection three of this section.

(7) Where an order under subsection three of this section has been served on the proprietor of a food store, food vehicle or appliance and—

(a) a certificate in respect thereof has not subsequently been given under that subsection; or

(b) an appeal under subsection five of this section against the refusal of an officer to give such a certificate has not been allowed,

any person who—

(c) keeps or uses the food store for the sale or storage, manufacture or preparation for sale of any food or drug;

(d) keeps or uses the food vehicle for the delivery or conveyance for sale of any food or drug; or

(e) uses the appliance in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

shall be guilty of an offence against this Act and liable to a penalty not exceeding two thousand dollars or to imprisonment for a term not exceeding six months, or to both such penalty and imprisonment.

(8) An appeal under subsection five of this section shall be in the nature of a rehearing but shall not operate to stay the order made by the Director-General under subsection three of this section or affect the liability of any person for an offence under subsection seven of this section.

(9) The costs of an appeal under subsection five of this section shall be in the discretion of the court.

(10) An order under subsection two or three of this

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 September, 1969.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 5 November, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1969.

An Act to increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith.

BE

87599 29—A

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

Pure Food (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pure Food Short title. (Amendment) Act, 1969".

2. The Pure Food Act, 1908, is amended—

Amendment of Act No. 31, 1908.

- 10 (a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars"; Sec. 35. (Analysis not to be referred to for trade purposes.)
- 15 (b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 36. (Penalty for offence against this Act.)
- 20 (ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- 20 (iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 25 (c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 37. (Interference with official marks or seals.)
- (d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 38. (Obstruction of officer in discharge of his duties.)

(e)

Pure Food (Amendment).

- (e) by inserting in subsection one of section thirty-nine after the words "this Act" the words "or the regulations"; Sec. 39.
(Forfeiture of articles of food or appliance.)
- 5 (f) (i) by inserting in subsection one of section 39A after the word "Act" the words "or the regulations"; Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)
- 10 (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- (g) (i) by omitting from subsection three of section fifty-one the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 51.
(Power to require information to be made available.)
- 15 (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- 20 (h) by inserting next after section fifty-one the following new section :— New sec. 51A.
- 51A. (1) In this section— Power to close dirty food stores, etc.
- "Director-General" means the Director-General of Public Health and includes a person acting as Director-General of Public Health;**
- 25 "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- 30 "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
- "president of the board" includes a person acting as president of the board;
- "proprietor"—
- 35 (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food

store

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

5 (b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

10 (ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

and includes any person in charge or apparently in charge of the vehicle; and

15 (c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

20 (ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

(2) Where the ~~president~~ of the board **Director-General** is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of twenty-four hours after the service of the instrument on the proprietor.

Pure Food (Amendment).

(3) If, after the expiration of that period—

- 5 (a) any food store to which the order relates is kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) any food vehicle to which the order relates, is kept or used for the delivery or conveyance for sale of any food or drug; or
- 10 (c) any appliance to which the order relates, is used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying any food or drug,

15 without an officer having given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that, since the order was made, the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition, the proprietor shall be guilty of
20 an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(4) Where—

- 25 (a) an order has been made under subsection two of this section in respect of any food store, food vehicle or appliance;
- (b) a period of twenty-four hours after service of the order on the proprietor of the food store, food vehicle or appliance has elapsed; and
- 30 (c) a certificate referred to in subsection three of this section, consequent upon the making of that order, has not been given to the proprietor,

Pure Food (Amendment).

5 an officer may affix to any part of the food store, food vehicle or appliance, including any such part that is visible from a public place, signs in the prescribed form bearing the word "unclean" and such other particulars as may be prescribed.

(5) A person who defaces, obscures, removes or interferes with any such sign is guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars unless—

10 (a) he does so pursuant to the written authority of the president of the board; or

15 (b) an officer has, after the sign was affixed, given a certificate referred to in subsection three of this section certifying that the food store, food vehicle or appliance to which the sign was affixed has been put into and is in a clean and sanitary condition.

(6) An order under subsection two of this

20 **(3) If, after the expiration of that period, the Director-General is not satisfied that the food store, food vehicle or appliance to which the order relates has been put into a clean and sanitary condition, the Director-General may, by instrument in writing served on the proprietor of the food store,**
25 **food vehicle or appliance, as the case may be, order that—**

(a) the food store shall not be kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;

30 (b) the food vehicle shall not be kept or used for the delivery or conveyance for sale of any food or drug; or

(c)

Pure Food (Amendment).

(c) the appliance shall not be used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

5 until an officer has given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition.

10 (4) The proprietor of a food store, food vehicle or appliance on whom an order under subsection three of this section is served may at any time after the order has been served request, in writing, the Director-General to cause the food store to be inspected by an officer or the food vehicle or
15 appliance to be so inspected at a place specified in the request.

20 (5) Where a request is so made and the food store, food vehicle or appliance to which the request relates is inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General and the officer making the inspection refuses to give to the proprietor a certificate under subsection three of this section
25 in respect of the food store, food vehicle or appliance, the proprietor may appeal against the refusal, in the manner prescribed by rules of court, to the District Court for the district in which the food store is situated or in which is situated the
30 place at which he requested the food vehicle or appliance to be inspected.

35 (6) Where a request is so made and the food store, food vehicle or appliance to which the request relates is not inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General, a certificate

in

Pure Food (Amendment).

in respect of the food store, food vehicle or
appliance shall be deemed, for the purposes of
subsection seven of this section, to have been given
to the proprietor under subsection three of this
section.

(7) Where an order under subsection three
of this section has been served on the proprietor of
a food store, food vehicle or appliance and—

(a) a certificate in respect thereof has not
subsequently been given under that
subsection; or

(b) an appeal under subsection five of this
section against the refusal of an officer to
give such a certificate has not been
allowed,

any person who—

(c) keeps or uses the food store for the sale or
storage, manufacture or preparation for
sale of any food or drug;

(d) keeps or uses the food vehicle for the
delivery or conveyance for sale of any food
or drug; or

(e) uses the appliance in or for the making,
manufacturing, keeping, preserving, prepar-
ing, handling, serving or supplying of any
food or drug,

shall be guilty of an offence against this Act and
liable to a penalty not exceeding two thousand
dollars or to imprisonment for a term not exceed-
ing six months, or to both such penalty and
imprisonment.

(8) An appeal under subsection five of this
section shall be in the nature of a rehearing but
shall not operate to stay the order made by the
Director-General under subsection three of this
section or affect the liability of any person for an
offence under subsection seven of this section.

(9)

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 September, 1969.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, November, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

***** ** *****

Act No. , 1969.

An Act to increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith.

BE

87599 29—A

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Pure Food (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pure Food (Amendment) Act, 1969".

2. The Pure Food Act, 1908, is amended—

- 10 (a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars";
- 15 (b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- (ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- 20 (iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars";
- 25 (c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars";
- (d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars";

Amendment
of Act No.
31, 1908.

Sec. 35.
(Analysis
not to be
referred
to for
trade
purposes.)

Sec. 36.
(Penalty
for offence
against
this Act.)

Sec. 37.
(Interfer-
ence with
official
marks or
seals.)

Sec. 38.
(Obstruction
of officer
in discharge
of his
duties.)

(e)

Pure Food (Amendment).

- (e) by inserting in subsection one of section thirty-nine after the words "this Act" the words "or the regulations"; Sec. 39.
(Forfeiture of articles of food or appliance.)
- 5 (f) (i) by inserting in subsection one of section 39A after the word "Act" the words "or the regulations"; Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)
- 10 (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- (g) (i) by omitting from subsection three of section fifty-one the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 51.
(Power to require information to be made available.)
- 15 (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- 20 (h) by inserting next after section fifty-one the following new section :— New sec. 51A.
- 51A. (1) In this section— Power to close dirty food stores, etc.
- 25 **"Director-General" means the Director-General of Public Health and includes a person acting as Director-General of Public Health;**
- "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- 30 "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
- ~~"president of the board" includes a person acting as president of the board;~~
- "proprietor"—
- 35 (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food

store

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

5 (b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

10 (ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

15 and includes any person in charge or apparently in charge of the vehicle; and

(c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

20 (ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

25 (2) Where the ~~president of the board~~ **Director-General** is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of twenty-four hours after the service of the instrument on the proprietor.

Pure Food (Amendment).

(3) If, after the expiration of that period—

- 5 (a) any food store to which the order relates is kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) any food vehicle to which the order relates, is kept or used for the delivery or conveyance for sale of any food or drug; or
- 10 (c) any appliance to which the order relates, is used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying any food or drug,

15 without an officer having given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that, since the order was made, the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition, the proprietor shall be guilty of
20 an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(4) Where—

- 25 (a) an order has been made under subsection two of this section in respect of any food store, food vehicle or appliance;
- (b) a period of twenty-four hours after service of the order on the proprietor of the food store, food vehicle or appliance has elapsed; and
- 30 (c) a certificate referred to in subsection three of this section, consequent upon the making of that order, has not been given to the proprietor,

Pure Food (Amendment).

5 an officer may affix to any part of the food store, food vehicle or appliance, including any such part that is visible from a public place, signs in the prescribed form bearing the word "unclean" and such other particulars as may be prescribed.

(5) A person who defaces, obscures, removes or interferes with any such sign is guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars unless—

10 (a) he does so pursuant to the written authority of the president of the board; or

15 (b) an officer has, after the sign was affixed, given a certificate referred to in subsection three of this section certifying that the food store, food vehicle or appliance to which the sign was affixed has been put into and is in a clean and sanitary condition.

(6) An order under subsection two of this

20 **(3) If, after the expiration of that period, the Director-General is not satisfied that the food store, food vehicle or appliance to which the order relates has been put into a clean and sanitary condition, the Director-General may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, as the case may be, order that—**

25 **(a) the food store shall not be kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;**

30 **(b) the food vehicle shall not be kept or used for the delivery or conveyance for sale of any food or drug; or**

(c)

Pure Food (Amendment).

(c) the appliance shall not be used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying of any food or drug,

5 until an officer has given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition.

10 (4) The proprietor of a food store, food vehicle or appliance on whom an order under subsection three of this section is served may at any time after the order has been served request, in writing, the Director-General to cause the food store to be inspected by an officer or the food vehicle or appliance to be so inspected at a place specified in the request.

15 (5) Where a request is so made and the food store, food vehicle or appliance to which the request relates is inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General and the officer making the inspection refuses to give to the proprietor a certificate under subsection three of this section in respect of the food store, food vehicle or appliance, the proprietor may appeal against the refusal, in the manner prescribed by rules of court, to the District Court for the district in which the food store is situated or in which is situated the place at which he requested the food vehicle or appliance to be inspected.

20 (6) Where a request is so made and the food store, food vehicle or appliance to which the request relates is not inspected by an officer within a period of twenty-four hours after the receipt of the request by the Director-General, a certificate

in

Pure Food (Amendment).

5 in respect of the food store, food vehicle or
appliance shall be deemed, for the purposes of
subsection seven of this section, to have been given
to the proprietor under subsection three of this
section.

(7) Where an order under subsection three
of this section has been served on the proprietor of
a food store, food vehicle or appliance and—

10 (a) a certificate in respect thereof has not
subsequently been given under that
subsection; or

(b) an appeal under subsection five of this
section against the refusal of an officer to
give such a certificate has not been
15 allowed,

any person who—

(c) keeps or uses the food store for the sale or
storage, manufacture or preparation for
sale of any food or drug;

20 (d) keeps or uses the food vehicle for the
delivery or conveyance for sale of any food
or drug; or

(e) uses the appliance in or for the making,
manufacturing, keeping, preserving, prepar-
ing, handling, serving or supplying of any
25 food or drug,

shall be guilty of an offence against this Act and
liable to a penalty not exceeding two thousand
dollars or to imprisonment for a term not exceed-
ing six months, or to both such penalty and
30 imprisonment.

(8) An appeal under subsection five of this
section shall be in the nature of a rehearing but
shall not operate to stay the order made by the
Director-General under subsection three of this
section or affect the liability of any person for an
35 offence under subsection seven of this section.

(9)

Pure Food (Amendment).

(9) The costs of an appeal under subsection five of this section shall be in the discretion of the court.

(10) An order under subsection two or three of this section may be made with respect to—

- 5
- (a) any food store or food vehicle specified in the order;
- (b) any food store or food vehicle so specified and all appliances contained therein or any appliances so specified and contained therein; or
- 10
- (c) any appliance so specified or all appliances contained in a food store or food vehicle so specified.

- 15
- (i) (i) by omitting from subsection one of section fifty-four the words "prescribing penalties" and by inserting in lieu thereof the words "prescribing, in respect of the contravention of any regulation relating to the keeping of premises, food or appliances in a clean condition or free from vermin, penalties not exceeding five hundred dollars for the first offence, not exceeding one thousand dollars for the second offence and not exceeding two thousand dollars or imprisonment for a term of six months or both such penalty and imprisonment for a subsequent offence, and a continuing penalty not exceeding fifty dollars per diem and, in respect of the contravention of any other regulation, penalties";
- 20
- 25
- 30
- (ii) by omitting from the same subsection the words " , for a contravention of any provision of the regulations".
- (Regulations made on recommendation of advisory committee.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 September, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1969.

An Act to increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith.

BE

Pure Food (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pure Food Short title. (Amendment) Act, 1969".

2. The Pure Food Act, 1908, is amended—

- | | | |
|----|--|--|
| | | Amendment
of Act No.
31, 1908. |
| 10 | (a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars"; | Sec. 35.
(Analysis not to be referred to for trade purposes.) |
| 15 | (b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 36.
(Penalty for offence against this Act.) |
| | (ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars"; | |
| 20 | (iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars"; | |
| 25 | (c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 37.
(Interference with official marks or seals.) |
| | (d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 38.
(Obstruction of officer in discharge of his duties.) |
| | (e) | |

Pure Food (Amendment).

- (e) by inserting in subsection one of section thirty-nine after the words "this Act" the words "or the regulations"; Sec. 39.
(Forfeiture of articles of food or appliance.)
- 5 (f) (i) by inserting in subsection one of section 39A after the word "Act" the words "or the regulations"; Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)
- 10 (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- (g) (i) by omitting from subsection three of section fifty-one the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 51.
(Power to require information to be made available.)
- 15 (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- 20 (h) by inserting next after section fifty-one the following new section :— New sec. 51A.

Power to close dirty food stores, etc.
 - 51A. (1) In this section—
 - "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
 - 25 "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
 - 30 "president of the board" includes a person acting as president of the board;
 - "proprietor"—
 - (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food store

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

5 (b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

10 (ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

15 and includes any person in charge or apparently in charge of the vehicle; and

(c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

20 (ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

25 (2) Where the president of the board is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or
30 appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of twenty-four hours after the service of the instrument on the proprietor.

(3)

Pure Food (Amendment).

(3) If, after the expiration of that period—

- 5 (a) any food store to which the order relates is kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) any food vehicle to which the order relates, is kept or used for the delivery or conveyance for sale of any food or drug; or
- 10 (c) any appliance to which the order relates, is used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying any food or drug,

15 without an officer having given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that, since the order was made, the food store, food vehicle or appliance has been put into and is in a clean and
20 sanitary condition, the proprietor shall be guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(4) Where—

- 25 (a) an order has been made under subsection two of this section in respect of any food store, food vehicle or appliance;
- (b) a period of twenty-four hours after service of the order on the proprietor of the food store, food vehicle or appliance has elapsed; and
- 30 (c) a certificate referred to in subsection three of this section, consequent upon the making of that order, has not been given to the proprietor,

an

Pure Food (Amendment).

5 an officer may affix to any part of the food store, food vehicle or appliance, including any such part that is visible from a public place, signs in the prescribed form bearing the word "unclean" and such other particulars as may be prescribed.

(5) A person who defaces, obscures, removes or interferes with any such sign is guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars unless—

- 10 (a) he does so pursuant to the written authority of the president of the board; or
- (b) an officer has, after the sign was affixed, given a certificate referred to in subsection three of this section certifying that the food store, food vehicle or appliance to which the sign was affixed has been put into and is in a clean and sanitary condition.
- 15

(6) An order under subsection two of this section may be made with respect to—

- 20 (a) any food store or food vehicle specified in the order;
- (b) any food store or food vehicle so specified and all appliances contained therein or any appliances so specified and contained therein; or
- 25 (c) any appliance so specified or all appliances contained in a food store or food vehicle so specified.

- 30 (i) (i) by omitting from subsection one of section fifty-four the words "prescribing penalties" and by inserting in lieu thereof the words "prescribing, in respect of the contravention of any regulation relating to the keeping of premises, food or appliances in a clean condition or free from vermin, penalties not exceeding five

hundred

Sec. 54.
(Regulations made on recommendation of advisory committee.)

Pure Food (Amendment).

- 5 hundred dollars for the first offence, not exceeding one thousand dollars for the second offence and not exceeding two thousand dollars or imprisonment for a term of six months or both such penalty and imprisonment for a subsequent offence, and a continuing penalty not exceeding fifty dollars per diem and, in respect of the contravention of any other regulation, penalties”;
- 10 (ii) by omitting from the same subsection the words “, for a contravention of any provision of the regulations”.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969
[10c]

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No. , 1969.

A BILL

To increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith.

[MR JAGO—9 *September*, 1969.]

BE

Pure Food (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pure Food Short title. (Amendment) Act, 1969".

2. The Pure Food Act, 1908, is amended—

- | | | |
|----|--|--|
| 10 | (a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars"; | Amendment of Act No. 31, 1908.
Sec. 35.
(Analysis not to be referred to for trade purposes.) |
| 15 | (b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 36.
(Penalty for offence against this Act.) |
| 20 | (ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars"; | |
| 25 | (iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars"; | |
| 25 | (c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 37.
(Interference with official marks or seals.) |
| | (d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 38.
(Obstruction of officer in discharge of his duties.) |

(e)

Pure Food (Amendment).

- (e) by inserting in subsection one of section thirty-nine after the words "this Act" the words "or the regulations"; Sec. 39.
(Forfeiture of articles of food or appliance.)
- 5 (f) (i) by inserting in subsection one of section 39A after the word "Act" the words "or the regulations"; Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)
- 10 (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- (g) (i) by omitting from subsection three of section fifty-one the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; Sec. 51.
(Power to require information to be made available.)
- 15 (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- 20 (h) by inserting next after section fifty-one the following new section :— New sec. 51A.
- 25 51A. (1) In this section— Power to close dirty food stores, etc.
- "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
- 30 "president of the board" includes a person acting as president of the board;
- "proprietor"—
- (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food store

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

5 (b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

10 (ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

15 and includes any person in charge or apparently in charge of the vehicle; and

(c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

20 (ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

25 (2) Where the president of the board is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or
30 appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of twenty-four hours after the service of the instrument on the proprietor.

(3)

Pure Food (Amendment).

(3) If, after the expiration of that period—

- 5 (a) any food store to which the order relates is kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) any food vehicle to which the order relates, is kept or used for the delivery or conveyance for sale of any food or drug; or
- 10 (c) any appliance to which the order relates, is used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying any food or drug,

15 without an officer having given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that, since the order was made, the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition, the proprietor shall be guilty of
20 an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(4) Where—

- 25 (a) an order has been made under subsection two of this section in respect of any food store, food vehicle or appliance;
- (b) a period of twenty-four hours after service of the order on the proprietor of the food store, food vehicle or appliance has elapsed; and
- 30 (c) a certificate referred to in subsection three of this section, consequent upon the making of that order, has not been given to the proprietor,

an

Pure Food (Amendment).

an officer may affix to any part of the food store, food vehicle or appliance, including any such part that is visible from a public place, signs in the prescribed form bearing the word "unclean" and such other particulars as may be prescribed.

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(5) A person who defaces, obscures, removes or interferes with any such sign is guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars unless—

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(a) he does so pursuant to the written authority of the president of the board; or

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(b) an officer has, after the sign was affixed, given a certificate referred to in subsection three of this section certifying that the food store, food vehicle or appliance to which the sign was affixed has been put into and is in a clean and sanitary condition.

(6) An order under subsection two of this section may be made with respect to—

20

(a) any food store or food vehicle specified in the order;

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(b) any food store or food vehicle so specified and all appliances contained therein or any appliances so specified and contained therein; or

(c) any appliance so specified or all appliances contained in a food store or food vehicle so specified.

30

(i) (i) by omitting from subsection one of section fifty-four the words "prescribing penalties" and by inserting in lieu thereof the words "prescribing, in respect of the contravention of any regulation relating to the keeping of premises, food or appliances in a clean condition or free from vermin, penalties not exceeding five

Sec. 54.
(Regulations made on recommendation of advisory committee.)

35

hundred

Pure Food (Amendment).

- 5 hundred dollars for the first offence, not exceeding one thousand dollars for the second offence and not exceeding two thousand dollars or imprisonment for a term of six months or both such penalty and imprisonment for a subsequent offence, and a continuing penalty not exceeding fifty dollars per diem and, in respect of the contravention of any other regulation, penalties”;
- 10 (ii) by omitting from the same subsection the words “, for a contravention of any provision of the regulations”.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[10c]

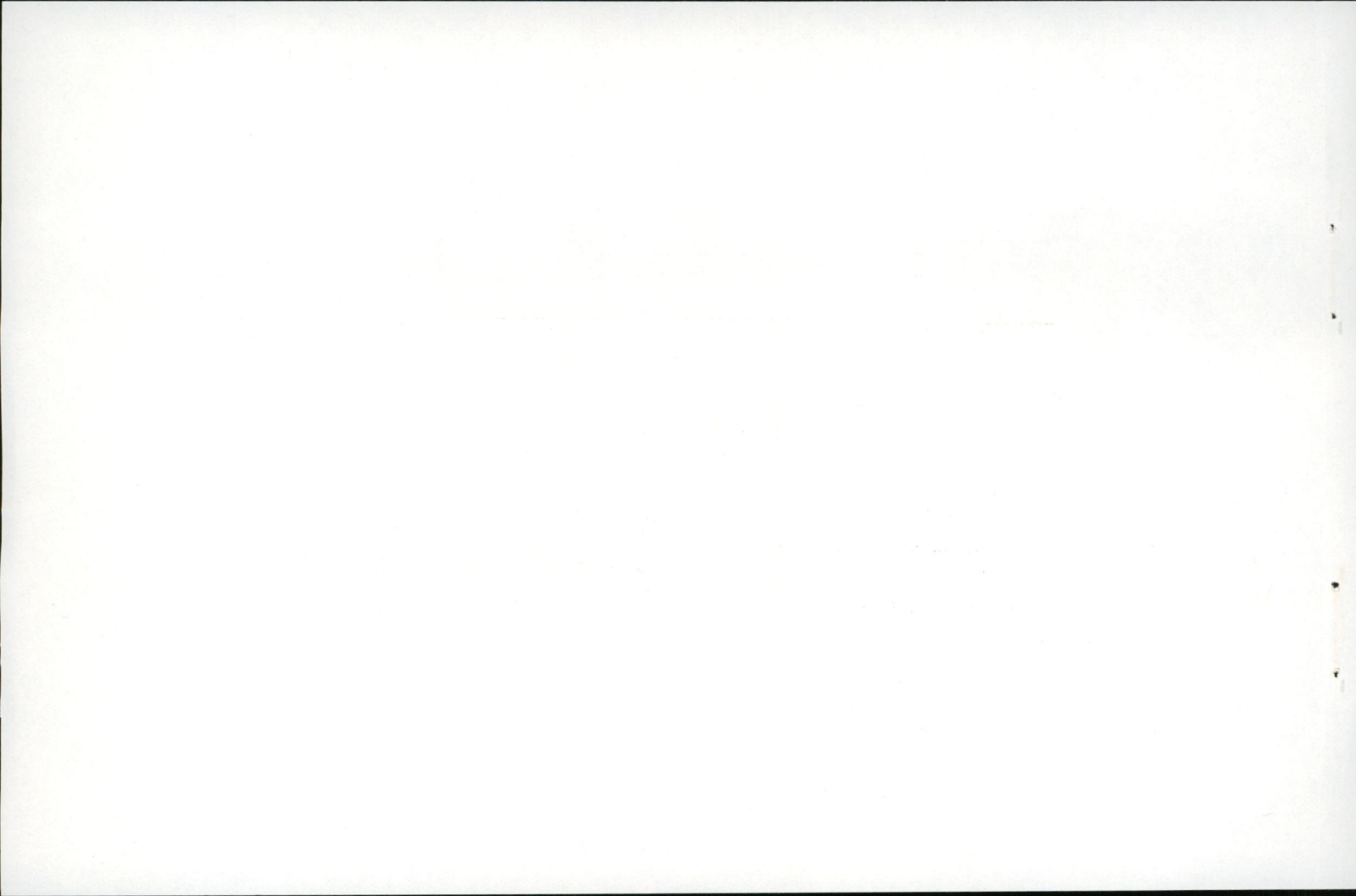
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PURE FOOD (AMENDMENT) BILL, 1969

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder;
- (b) to empower the President of the Board of Health to order the closure of premises that are in an unclean or insanitary condition;
- (c) to make other provisions of an ancillary or consequential character.



PROOF

No. , 1969.

A BILL

To increase certain penalties for offences under the Pure Food Act, 1908, and certain regulations thereunder; to make provision for prohibiting the use of food stores, food vehicles and certain appliances that are in an unclean or insanitary condition; for these and other purposes to amend the Pure Food Act, 1908; and for purposes connected therewith.

[MR JAGO—9 September, 1969.]

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Pure Food Short title. (Amendment) Act, 1969".

2. The Pure Food Act, 1908, is amended—

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| | | Amendment
of Act No.
31, 1908. |
| 10 | (a) by omitting from section thirty-five the words "twenty dollars" and by inserting in lieu thereof the words "one hundred dollars"; | Sec. 35.
(Analysis not to be referred to for trade purposes.) |
| 15 | (b) (i) by omitting from subsection one of section thirty-six the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 36.
(Penalty for offence against this Act.) |
| | (ii) by omitting from the same subsection the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars"; | |
| 20 | (iii) by omitting from the same subsection the words "five hundred dollars" and by inserting in lieu thereof the words "two thousand dollars"; | |
| 25 | (c) by omitting from section thirty-seven the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 37.
(Interference with official marks or seals.) |
| | (d) by omitting from section thirty-eight the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars"; | Sec. 38.
(Obstruction of officer in discharge of his duties.) |

(e)

Pure Food (Amendment).

- (e) by inserting in subsection one of section **thirty-nine** after the words "this Act" the words "or the regulations";
- 5 (f) (i) by inserting in subsection one of section **39A** after the word "Act" the words "or the regulations";
- (ii) by omitting from subsection three of the same section the words "two hundred dollars" and by inserting in lieu thereof the words "one thousand dollars";
- 10 (g) (i) by omitting from subsection three of section **fifty-one** the words "forty dollars" and by inserting in lieu thereof the words "five hundred dollars";
- 15 (ii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "five hundred dollars";
- 20 (h) by inserting next after section **fifty-one** the following new section :—
- 51A. (1) In this section—
- "food store" means any place or part of a place kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- 25 "food vehicle" means any vehicle kept or used for the delivery or conveyance for sale of any food or drug;
- "president of the board" includes a person acting as president of the board;
- 30 "proprietor"—
- (a) in relation to a food store, means the owner or, where the owner is not the occupier, the occupier of the food store

Sec. 39.
(Forfeiture of articles of food or appliance.)

Sec. 39A.
(Power to prohibit carrying on of business by persons convicted of offence against Act or regulations.)

Sec. 51.
(Power to require information to be made available.)

New sec. 51A.

Power to close dirty food stores, etc.

Pure Food (Amendment).

store and includes any person in charge or apparently in charge of the food store;

5 (b) in relation to a food vehicle, means—

(i) where the vehicle is not the subject of a hire-purchase agreement, the owner; or

10 (ii) where the vehicle is the subject of a hire-purchase agreement, the bailee under that agreement,

15 and includes any person in charge or apparently in charge of the vehicle; and

(c) in relation to an appliance, means—

(i) where the appliance is in a food store, the proprietor of the food store; and

20 (ii) where the appliance is in a food vehicle, the proprietor of the food vehicle.

25 (2) Where the president of the board is satisfied, by his own inspection or by the report of an officer, that any food store, food vehicle or appliance is in an unclean or insanitary condition, he may, by instrument in writing served on the proprietor of the food store, food vehicle or appliance, order that the food store, food vehicle or appliance be put into a clean and sanitary condition, to the satisfaction of an officer, within a period of
30 twenty-four hours after the service of the instrument on the proprietor.

(3)

Pure Food (Amendment).

(3) If, after the expiration of that period—

- 5 (a) any food store to which the order relates is kept or used for the sale or storage, manufacture or preparation for sale of any food or drug;
- (b) any food vehicle to which the order relates, is kept or used for the delivery or conveyance for sale of any food or drug; or
- 10 (c) any appliance to which the order relates, is used in or for the making, manufacturing, keeping, preserving, preparing, handling, serving or supplying any food or drug,

15 without an officer having given to the proprietor of the food store, food vehicle or appliance, as the case may be, a certificate in writing certifying that, since the order was made, the food store, food vehicle or appliance has been put into and is in a clean and sanitary condition, the proprietor shall be guilty of
20 an offence against this Act and liable to a penalty not exceeding one thousand dollars.

(4) Where—

- 25 (a) an order has been made under subsection two of this section in respect of any food store, food vehicle or appliance;
- (b) a period of twenty-four hours after service of the order on the proprietor of the food store, food vehicle or appliance has elapsed; and
- 30 (c) a certificate referred to in subsection three of this section, consequent upon the making of that order, has not been given to the proprietor,

an

Pure Food (Amendment).

5 an officer may affix to any part of the food store, food vehicle or appliance, including any such part that is visible from a public place, signs in the prescribed form bearing the word "unclean" and such other particulars as may be prescribed.

(5) A person who defaces, obscures, removes or interferes with any such sign is guilty of an offence against this Act and liable to a penalty not exceeding one thousand dollars unless—

- 10 (a) he does so pursuant to the written authority of the president of the board; or
- 15 (b) an officer has, after the sign was affixed, given a certificate referred to in subsection three of this section certifying that the food store, food vehicle or appliance to which the sign was affixed has been put into and is in a clean and sanitary condition.

(6) An order under subsection two of this section may be made with respect to—

- 20 (a) any food store or food vehicle specified in the order;
- 25 (b) any food store or food vehicle so specified and all appliances contained therein or any appliances so specified and contained therein; or
- (c) any appliance so specified or all appliances contained in a food store or food vehicle so specified.

- 30 (i) (i) by omitting from subsection one of section fifty-four the words "prescribing penalties" and by inserting in lieu thereof the words "prescribing, in respect of the contravention of any regulation relating to the keeping of premises, food or appliances in a clean condition or free from vermin, penalties not exceeding five
- 35 hundred
- Sec. 54. (Regulations made on recommendation of advisory committee.)

Pure Food (Amendment).

- 5 hundred dollars for the first offence, not exceeding one thousand dollars for the second offence and not exceeding two thousand dollars or imprisonment for a term of six months or both such penalty and imprisonment for a subsequent offence, and a continuing penalty not exceeding fifty dollars per diem and, in respect of the contravention of any other regulation, penalties”;
- 10 (ii) by omitting from the same subsection the words “, for a contravention of any provision of the regulations”.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

Annual Report

The first object of the Institution is to provide for the education of the poor and destitute children of the city of New York. The Institution is a charitable and religious organization, and its objects are to be accomplished by the education of the children of the poor and destitute of the city of New York.

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