

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE



No. 22 of 1984

**An Act to amend the Food Act 1981 and the Health Act
1937–1982 each in certain particulars**

[ASSENTED TO 22ND MARCH, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Food Act and Health Act Amendment Act 1984*.

2. Arrangement. This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1–2);

PART II—AMENDMENT OF FOOD ACT (ss. 3–11);

PART III—AMENDMENT OF HEALTH ACT (ss. 12–13).

PART II—AMENDMENT OF FOOD ACT

3. Citation. (1) In this Part the *Food Act 1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Food Act 1981–1984*.

4. Amendment of s. 30. Offences with respect to authorized officers and articles. Section 30 of the Principal Act is amended by—

(a) in paragraph (f), inserting after the words “to be seized” the words “by him”;

(b) in paragraph (h), omitting the words “obstructs or attempts to obstruct”;

(c) omitting the word “or” where it occurs between paragraphs (i) and (j);

(d) omitting the expression “,” where it occurs at the end of paragraph (j) and substituting the following words:—

“; or

(k) in any manner other than a manner referred to in paragraphs (a) to (j) aforesaid obstructs or attempts to obstruct an authorized officer or other person in the exercise of his powers or authorities or the discharge of his functions or duties under this Act.”.

5. Amendment of s. 33. Remedy in respect of articles seized. Section 33 of the Principal Act is amended by, in subsection (5), omitting all words from and including the words “shall become” to the end of the subsection and substituting the following words:—

“shall become—

(a) in the case of an article seized by an authorized officer who is an officer of a Local Authority, the property of the Local Authority; and

(b) in the case of an article seized by an authorized officer who is an officer of the Department of Health, the property of Her Majesty,

and shall be destroyed or otherwise disposed of in the manner determined by the Director-General.”.

6. Amendment of s. 35. Liability for costs and expenses of storage or destruction or other disposal of seized article. Section 35 of the Principal Act is amended by omitting the last paragraph and substituting the following paragraph:—

“Costs and expenses referred to in this section remaining unpaid may be recovered by action in a court of competent jurisdiction—

- (a) in the case of costs and expenses incurred by or on behalf of a Local Authority, as a debt due and owing to the Local Authority; or
- (b) in the case of costs and expenses incurred by or on behalf of the Department of Health, as a debt due and owing to Her Majesty.”.

7. Amendment of s. 42. Liability of defendant for certain costs and expenses. Section 42 of the Principal Act is amended by, in subsection (1), inserting after the words “upon the conviction” the words “or other determination of the proceedings as aforesaid”.

8. Amendment of s. 45. Proceedings for offences. Section 45 of the Principal Act is amended by adding at the end of the section the following subsection:—

“(5) Penalties recovered in respect of offences against this Act shall—

- (a) where the penalty has been recovered upon the complaint of a Local Authority or its authorized officer or other person authorized by it, be paid into the general fund of the Local Authority; and
- (b) in any other case, be paid into the Consolidated Revenue Fund.”.

9. Amendment of s. 50. Liability for offence by servant. Section 50 of the Principal Act is amended by, in subsection (1), omitting the first paragraph and substituting the following paragraph:—

“Where a person commits an offence against this Act as a servant, then, without derogating from section 7 of *The Criminal Code*, the employer of that person shall be deemed to have committed the offence and, notwithstanding section 23 of *The Criminal Code* or any other rule of law or practice, to be criminally responsible for the act or omission concerned therein and may be charged with the offence and punished accordingly.”.

10. Amendment of s. 51. Liability for offence by body corporate. Section 51 of the Principal Act is amended by, in subsection (1), omitting all words from and including the word “Where” to and including the word “accordingly” and substituting the following words:—

“Where a body corporate commits an offence against this Act then, without derogating from section 7 of *The Criminal Code*, each of the following persons shall be deemed to have committed the offence and, notwithstanding section 23 of *The Criminal Code* or any other rule of law or practice, to be criminally responsible for the act or omission concerned therein and may be charged with the offence and punished accordingly:—”.

11. Amendment of s. 57. Regulations. Section 57 of the Principal Act is amended by, in subsection (4), inserting after the words “ as in force ” the words “ or recommended ”.

PART III—AMENDMENT OF HEALTH ACT

12. Citation. (1) In this Part the *Health Act* 1937–1982 is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Health Act* 1937–1984.

13. Table of amendments. The Principal Act is amended as indicated in the following Table:—

TABLE

Enactment Amended	Amendment
s.105 (1) Selling drug mixed as to injure quality	Omit from paragraph (c) the word “ paragraphs ” and substitute the word “ paragraph ”.
s. 105 (2)	Omit the subsection and substitute the following subsection:— “(2) In any prosecution it shall be no defence to prove that the drug the subject of the prosecution, though defective in nature or in substance or in quality, was not defective in more than one such respect.”.
s.134 (1). Manner in which sample may be dealt with	Omit from the proviso the words “ food or ”.