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| 2022-23 fines and penalties for Food Act 1984 |
| OFFICIAL |

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# Food Act 1984 (Victoria)

| **Food Act 1984 (Victoria)** | **2022-2023 penalty (current year)** |
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| Knowingly handling food in unsafe manner 8 (2) (a) A person who contravenes subsection (1) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of an individual, $100 000 or imprisonment for 2 years, or both; | $100,000 |
| Knowingly handling food in unsafe manner 8 (2) (b) in the case of a corporation, $500 000. | $500,000 |
| Handling food in unsafe manner in other circumstances 8A (2) (a) A person who contravenes subsection (1) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of an individual, $75 000 | $75,000 |
| Handling food in unsafe manner in other circumstances 8A (2) (b) A person who contravenes subsection (1) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of a corporation, $375 000 | $375,000 |
| Knowingly selling unsafe food 9 (2) (a) A person who contravenes subsection (1) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of an individual, $100 000 or imprisonment for 2 years, or both; | $100,000 |
| Knowingly selling unsafe food 9 (2) (b) A person who contravenes subsection (1) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of a corporation, $500 000 | $500,000 |
| Sale of unsafe food in other circumstances 9A (2) (a) A person who contravenes subsection (1) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of an individual, $75 000 | $75,000 |
|  Sale of unsafe food in other circumstances9A (2) (b) A person who contravenes subsection (1) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of a corporation, $375 000. | $375,000 |
| Knowingly falsely describing food 10 (3) (a) A person who contravenes subsection (1) or (2) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of an individual, $100 000 or imprisonment for 2 years, or both; | $100,000 |
| Knowingly falsely describing food 10 (3) (b) A person who contravenes subsection (1) or (2) is guilty of an indictable offence and is liable to a penalty not exceeding- in the case of a corporation, $500 000. | $500,000 |
| Falsely describing food in other circumstances 10A (3) (a) A person who contravenes subsection (1) or (2) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of an individual, $75 000; | $75,000 |
| Falsely describing food in other circumstances 10A (3) (b) A person who contravenes subsection (1) or (2) is guilty of an indictable offence and is liable to a penalty not exceeding - in the case of a corporation, $375 000. | $375,000 |
| Handling and sale of unsafe food 11 (1) A person must not handle food intended for sale in a manner that will render, or is likely to render, the food unsafe. Individuals | $40,000 |
| Handling and sale of unsafe food 11 (1) A person must not handle food intended for sale in a manner that will render, or is likely to render, the food unsafe. Corporations | $200,000 |
| Handling and sale of unsafe food 11 (2) A person must not sell food that is unsafe. Individuals | $40,000 |
| Handling and sale of unsafe food 11 (2) A person must not sell food that is unsafe. Corporations | $200,000 |
| Handling and sale of unsuitable food. 12 (1) A person must not handle food intended for sale in a manner that will render, or is likely to render, the food unsuitable. Individuals | $40,000 |
| Handling and sale of unsuitable food. 12 (1) A person must not handle food intended for sale in a manner that will render, or is likely to render, the food unsuitable. Corporations | $200,000 |
| Handling and sale of unsuitable food. 12 (2) A person must not sell food that is unsuitable. Individuals | $40,000 |
| Handling and sale of unsuitable food. 12 (2) A person must not sell food that is unsuitable. Corporations | $200,000 |
| Misleading conduct relating to sale of food 13 (1) individuals | $40,000 |
| Misleading conduct relating to sale of food 13 (1) corporations | $200,000 |
| Misleading conduct relating to sale of food 13 (2) A person must not, for the purpose of effecting or promoting the sale of any food in the course of carrying on a food business, cause the food to be advertised, packaged or labelled in a way that falsely describes the food. Individuals | $40,000 |
| Misleading conduct relating to sale of food 13 (2) A person must not, for the purpose of effecting or promoting the sale of any food in the course of carrying on a food business, cause the food to be advertised, packaged or labelled in a way that falsely describes the food. Corporations | $200,000 |
| Misleading conduct relating to sale of food 13 (3) A person must not, in the course of carrying on a food business, sell food that is packaged or labelled in a way that falsely describes the food. Individuals | $40,000 |
| Misleading conduct relating to sale of food 13 (3) A person must not, in the course of carrying on a food business, sell food that is packaged or labelled in a way that falsely describes the food. Corporations | $200,000 |
| Sale of food not complying with purchaser's demand 14 (1) A person must not, in the course of carrying on a food business, supply food by way of sale if the food is not of the nature or substance demanded by the purchaser. 14 (1) Individuals | $40,000 |
| Sale of food not complying with purchaser's demand 14 (1) A person must not, in the course of carrying on a food business, supply food by way of sale if the food is not of the nature or substance demanded by the purchaser. 14 (1) Corporations | $200,000 |
| Sale of unfit equipment or packaging or labelling material 15 (1) A person must not sell equipment that if used for the purposes for which it was designed or intended to be used. Individuals | $40,000 |
| Sale of unfit equipment or packaging or labelling material 15 (1) A person must not sell equipment that if used for the purposes for which it was designed or intended to be used. Corporations | $200,000 |
| Sale of unfit equipment or packaging or labelling material 15 (2) A person must not sell packaging or labelling material that if used for the purposes for which it was designed or intended to be used would render or be likely to render food unsafe. Individuals | $40,000 |
| Sale of unfit equipment or packaging or labelling material 15 (2) A person must not sell packaging or labelling material that if used for the purposes for which it was designed or intended to be used would render or be likely to render food unsafe. Corporations | $200,000 |
| Compliance with Food Standards Code 16 (1) A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale. Individuals | $40,000 |
| Compliance with Food Standards Code 16 (1) A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale. Corporations | $200,000 |
| Compliance with Food Standards Code 16 (2) A person must not sell any food that does not comply with any requirement of the Food Standards Code that relates to the food. Individuals | $40,000 |
| Compliance with Food Standards Code 16 (2) A person must not sell any food that does not comply with any requirement of the Food Standards Code that relates to the food. Corporations | $200,000 |
| Compliance with Food Standards Code 16 (3) A person must not sell or advertise any food that is packaged or labelled in a manner that contravenes a provision of the Food Standards Code. Individuals | $40,000 |
| Compliance with Food Standards Code 16 (3) A person must not sell or advertise any food that is packaged or labelled in a manner that contravenes a provision of the Food Standards Code. Corporations | $200,000 |
| Compliance with Food Standards Code 16 (4) A person must not sell or advertise for sale any food in a manner that contravenes a provision of the Food Standards Code. Individuals | $40,000 |
| Compliance with Food Standards Code 16 (4) A person must not sell or advertise for sale any food in a manner that contravenes a provision of the Food Standards Code. Corporations | $200,000 |
| Proprietor's name to be affixed to premises 17 (1) The proprietor of a food business must ensure that his, her or its name is prominently displayed on any food premises used in connection with the food business. | $1,849 |
| Requirement for proprietor of chain food premises to display kilojoule information 18D (1) The proprietor of a chain food premises must, in accordance with section 18E, display (a) the following statement "The average adult daily energy intake is 8 700 kJ."; and (b) in relation to each standard food item sold at the chain food premises, the average energy content of the standard food item. Individual | $3,698 |
| Requirement for proprietor of chain food premises to display kilojoule information 18D (1) The proprietor of a chain food premises must, in accordance with section 18E, display (a) the following statement "The average adult daily energy intake is 8 700 kJ."; and (b) in relation to each standard food item sold at the chain food premises, the average energy content of the standard food item. Corporation | $18,492 |
| Requirement for proprietor of chain supermarket to display kilojoule information 18F (1) The proprietor of a chain supermarket must, in accordance with section 18G, display (a) the following statement "The average adult daily energy intake is 8 700 kJ."; and (b) in relation to each standard food item sold at the chain supermarket, the average energy content of the standard food item or of 100 g of the standard food item. Individual | $3,698 |
| Requirement for proprietor of chain supermarket to display kilojoule information 18F (1) The proprietor of a chain supermarket must, in accordance with section 18G, display (a) the following statement "The average adult daily energy intake is 8 700 kJ."; and (b) in relation to each standard food item sold at the chain supermarket, the average energy content of the standard food item or of 100 g of the standard food item. Corporation | $18,492 |
| Orders relating to food premises 19 (7) A person must not contravene an order made under this section | $22,190 |
| Orders relating to food premises 19 (8) A person must not remove the copy of an order affixed to a food premises under subsection (4)(a)(i) while that order remains in force. | $11,095 |
| Orders relating to food vending machines and other equipment 19A (7) A person must not contravene an order made under this section | $22,190 |
| Orders relating to food vending machines and other equipment 19A (8) A person must not remove the copy of an order affixed to a food premises under subsection (4)(a)(i) while that order remains in force. | $11,095 |
| Orders relating to food handlers 19B (7) A person must not contravene an order made by an authorised officer under this section. First offence | $4,623 |
| Orders relating to food handlers 19B (7) A person must not contravene an order made by an authorised officer under this section. Second or subsequent offence | $9,246 |
| Minimum record keeping 19CB (6), first offence | $3,698 |
| Minimum record keeping 19CB (6), second or subsequent offence | $18,492 |
| Food safety program must be kept at premises 19F. The proprietor of a food premises required by a declaration under section 19C to have a food safety program must ensure that the food safety program is kept at the premises to which it relates. Natural person | $3,698 |
| Food safety program must be kept at premises 19F. The proprietor of a food premises required by a declaration under section 19C to have a food safety program must ensure that the food safety program is kept at the premises to which it relates. Body corporate | $18,492 |
| Name of supervisor to be provided on request 19GB. The proprietor of a food premises that is required under section19GA(1) to have a food safety supervisor must give the registration authority written details of the name and qualifications of the current food safety supervisor for the premises within 7 days of being asked in writing to do so by the registration authority. Natural person | $3,698 |
| Name of supervisor to be provided on request 19GB. The proprietor of a food premises that is required under section 19GA(1) to have a food safety supervisor must give the registration authority written details of the name and qualifications of the current food safety supervisor for the premises within 7 days of being asked in writing to do so by the registration authority. Body Corporate | $18,492 |
| Only approved auditor may conduct audit 19O. A person must not conduct a food safety audit of a food premises unless he or she is an approved food safety auditor for the class or category of food premises to which the food premises belongs. | $7,397 |
| Auditor must comply with conditions of certification 19Q. An approved food safety auditor must comply with any conditions imposed under section 19P(2)(b) or 19P(3) on the certification of the person as a food safety auditor. | $7,397 |
| Offence to impersonate approved auditor 19R (1). A person must not directly or indirectly represent that he or she is an approved food safety auditor unless the person is an approved food safety auditor. | $7,397 |
| Offence to impersonate approved auditor 19R (3) A person must not directly or indirectly represent that he or she is authorised to conduct a food safety audit unless the person is an approved food safety auditor. | $7,397 |
| Conflict of interest 19S (1) A person must not conduct a food safety audit of a food premises if the person has written, or assisted in preparing, the food safety program for the premises. | $7,397 |
| Conflict of interest 19S (2) A person must not conduct a food safety audit of a food premises if the person is the proprietor, or an employee or officer of the proprietor, of the premises. | $7,397 |
| Audit by council staff 19U (1) An officer or member of the staff of a council must not conduct, or assist in conducting, a food safety audit of - (a) any fixed food premises located within that council's municipal district unless the audit is conducted on behalf of the council; or (b) any temporary food premises or mobile food premises unless the audit is conducted on behalf of a council. | $7,397 |
| Offences with respect to authorized officers and articles 29 first offence | $4,623 |
| Offences with respect to authorized officers and articles 29 second or subsequent offence | $9,246 |
| Prohibition on use of analyst's certificate for certain purposes 34. A person who for the purposes of any trade or advertisement uses in whole or in part or authorizes or permits the use in whole or in part of any copy of an analyst's certificate obtained under this Act or the result of an analysis made for the purposes of this Act is guilty of an offence. First offence | $3,698 |
| Prohibition on use of analyst's certificate for certain purposes 34. A person who for the purposes of any trade or advertisement uses in whole or in part or authorizes or permits the use in whole or in part of any copy of an analyst's certificate obtained under this Act or the result of an analysis made for the purposes of this Act is guilty of an offence. Second or subsequent offence | $7,397 |
| Requirement to be registered or to notify registration authority 35A (1) The proprietor of a food business must not allow the business to operate from any food premises - (a) that is not registered with the registration authority in accordance with Division 3; or (b) while the registration of the premises is suspended. | $22,190 |
| Requirement to be registered or to notify registration authority 35A (2) The proprietor of a food premises that is exempt under section 38(1) or (2) from the requirement to be registered must not allow the business to operate from the premises unless the proprietor has given notification to the registration authority of its operation in accordance with Division 2. | $22,190 |
| Change in operation of registered food premises 38F (1) This section applies if - (a) a food premises has been registered or the registration of the food premises has been renewed; and (b) a change to the operation of the food premises occurs after the premises is registered or its registration is renewed.(2) If the proprietor of the food premises knows that, as result of the change, the premises falls within a higher risk classification, the proprietor must notify the registration authority of the change within 14 days of it occurring. | $11,095 |
| 39B Offence to fail to comply with registration condition. If the registration, renewal of registration or transfer of a food premises is the subject of a condition under section 39A(3), the proprietor of the premises must comply with the condition. First offence | $9,246 |
| 39B Offence to fail to comply with registration condition. If the registration, renewal of registration or transfer of a food premises is the subject of a condition under section 39A(3), the proprietor of the premises must comply with the condition. Second or subsequent offence | $18,492 |
| 39C Contravention of section 34(1) of the Meat Industry Act 1993. The proprietor of a food premises must not contravene the requirements of section 34(1) of the Meat Industry Act 1993 at, on or in respect of a food premises that is registered, or is required to be registered, under this Act. First offence | $18,492 |
| 39C Contravention of section 34(1) of the Meat Industry Act 1993. The proprietor of a food premises must not contravene the requirements of section 34(1) of the Meat Industry Act 1993 at, on or in respect of a food premises that is registered, or is required to be registered, under this Act. Second or subsequent offence | $92,460 |
| 40A Certificates must be shown on demand. A person in whose name a food premises is registered must produce the certificate of registration issued in respect of the premises for inspection, if asked to do so by an authorised officer. | $1,849 |
| 53 General penalty. A person who is guilty of an offence against this Act for which a specific penalty is not prescribed by another provision of this Act is liable to a penalty not exceeding 10 penalty units. | $1,849 |
| 54 Secrecy. Except as provided by subsection (2), an authorized officer shall not disclose information or publish a document or part of a document obtained by him in connexion with the administration of this Act unless the disclosure or publication is made. First offence | $11,095 |
| 54 Secrecy. Except as provided by subsection (2), an authorized officer shall not disclose information or publish a document or part of a document obtained by him in connexion with the administration of this Act unless the disclosure or publication is made. Second or subsequent offence | $18,492 |
| False and misleading statements 59 (1), natural person | $11,095 |
| False and misleading statements 59 (1), body corporate | $55,476 |
| False and misleading statements 59 (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading. Natural Person | $11,095 |
| False and misleading statements 59 (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading. Body Corporate | $55,476 |
| 59A Destroying or damaging records. A person must not, without lawful authority, destroy or damage any record required to be kept in accordance with this Act or the regulations. Natural person | $11,095 |
| 59A Destroying or damaging records. A person must not, without lawful authority, destroy or damage any record required to be kept in accordance with this Act or the regulations. Body corporate | $55,476 |
| Members must not disclose confidential information 60H (1) A person who is, or has been, a member of the Council must not disclose any information that is obtained by him or her as a member of the Council. | $925 |
| Members must not disclose confidential information 60H (2) Also, the person must not use any such information to obtain directly or indirectly any pecuniary advantage for himself or herself or for any other person. | $925 |
| 63 (2) (e) Regulations. Any regulation made under this Act may - impose a penalty of not more than 10 penalty units for any contravention of or failure to comply with the regulation. | $925 |

 Please note that the above are all court ordered penalties.

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