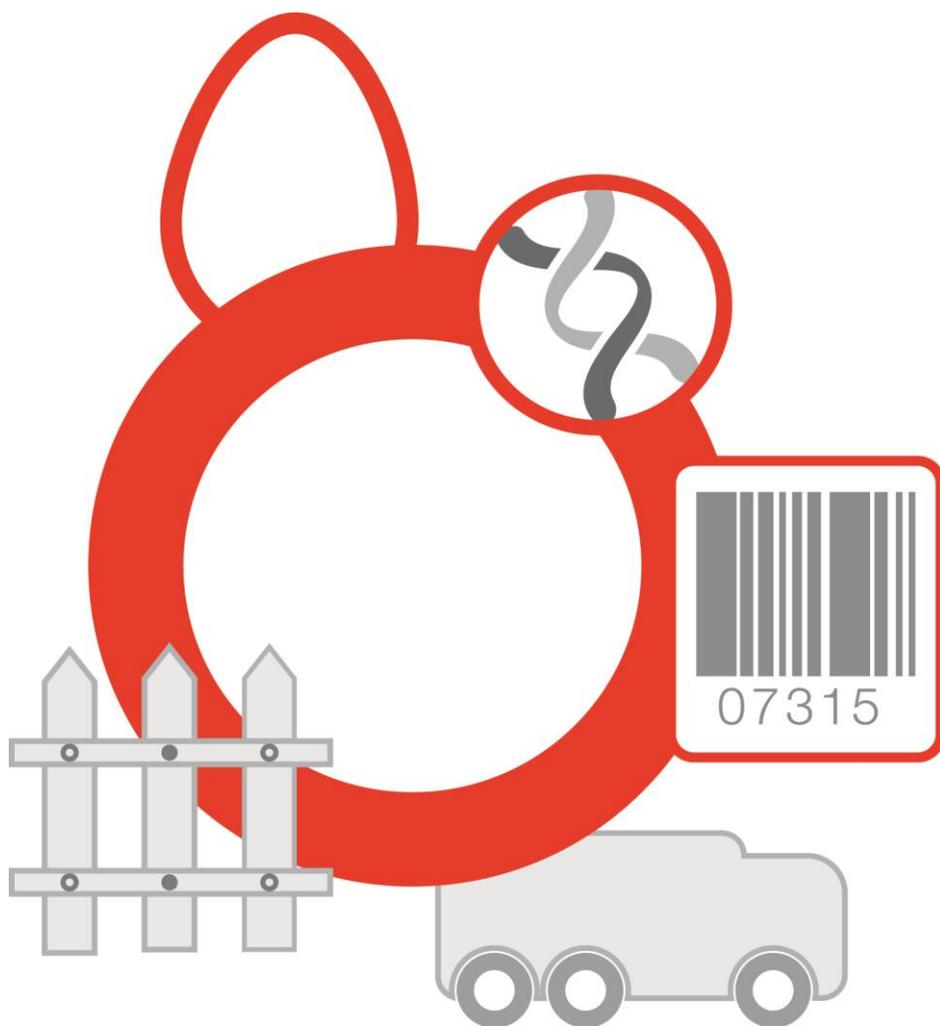


Safe Food Production Queensland Infringement Notice Policy



SFPQ Infringement Notice Policy

Version	Date Approved	Date Amended	Reason For Amendment (e.g. Editorial Content)	Approved by
1	23 July 2015			SFPQ Board

Infringement Notice Policy

Introduction

This policy provides guidance to Safe Food Production Queensland (Safe Food) authorised officers regarding the issue of Infringement Notices (often referred to as Penalty Infringement Notices, Prescribed Infringement Notices and more commonly PINs).

PINs are a means of enforcing compliance under certain sections of the *Food Production (Safety) Act 2000* (the FPS Act) and the *Food Production (Safety) Regulation 2014* (the FPS Regulation).

PINs are issued under Section 15 of the *State Penalties Enforcement Act 1999* (SPE Act) and are a way of advising an alleged offender that a PIN offence has been detected. The penalty for the breach (which is also indicated on the Notice) is prescribed in the *State Penalties Enforcement Regulation 2014* ('SPE Regulation') and cannot be varied.

PINs are 'tickets' which are issued 'on-the-spot', or by other means such as mail, for and require the payment of a fine for an alleged offence (unless withdrawn). PINs have the ability to:

- Achieve compliance by an alleged offender (e.g. initiate application for accreditation)
- Act as a punitive measure by imposing a pecuniary penalty
- Impact upon an individual's credit rating if unpaid
- Serve as an alternative to prosecution

An alleged offender may be issued with more than a single PIN if either the commission of either different offences or the same offence (repeated) occurs at separate times or on different dates.

PIN Register

Safe Food will maintain a Register containing details of all PINs issued, withdrawn or re-issued. Use of PIN books by authorised officers must also be recorded in the Register.

Authorised officers who issue, withdraw or re-issue PINs must ensure the following information is recorded and maintained in the PIN Register:

- Infringement Notice number
- Alleged offender's name
- Place of alleged offence
- Issue date
- Offence short code and description of offence
- Section/s of the FPS Act or FPS Regulation relevant to the alleged offence
- Name of authorised officer

- Status of the PIN (e.g. unpaid, paid, referred to SPER, etc).

The authorised officer who issues a PIN must:

- ensure that all the details of the alleged offender and PIN offence are entered onto the Safe Food Register within 24 hours of issuing the PIN, or, if the officer is away from the office, at the first available opportunity; and
- place the duplicate (blue) copy of the PIN with any associated documents or evidence relative to the alleged offence on the relevant file.

PIN Book Security

Safe Food will ensure that pre-printed books of PINs are subject to appropriate security measures.

When not in use all PIN books are to be kept in the Safe Food fire safe which can only be accessed by nominated Safe Food officers.

Withdrawing PINS

Withdrawal of a PIN is a discretionary matter. Subject to the approval of the Chief Executive Officer or General Manager, a PIN may be withdrawn by written notice to the alleged offender.

Situations where a PIN may be withdrawn include:

- a decision is made to commence Court proceedings and issue a complaint and summons against the alleged offender
- the alleged offender or another person makes a request in writing to Safe Food to withdraw the PIN and the reasons outlined in the request are accepted
- where the alleged offender has supplied written evidence that sufficient action to cease commission of the offence alleged in the PIN has occurred
- a PIN contains critical errors.

Reissuing PINs

Subsequent to a PIN being withdrawn, it may be re-issued under certain circumstances. The minimum steps for re-issuing a PIN are as follows.

- Obtain approval from the CEO or General Manager to withdraw and re-issue the PIN
- Identify the original PIN as being withdrawn on the copy contained within the PIN book and on the Safe Food register
- The authorised officer ensures that the date when the PIN was withdrawn is noted on all copies of the PIN
- An authorized officer completes a new PIN.
- The new PIN is lawfully provided to the alleged offender.

- The authorised officer must notify the officer managing unpaid PINs as failure to do this could result in the cancelled PIN being forwarded for further enforcement action
- Update the PIN register

Actions that may be taken before a PIN is paid in full

Safe Food may take one of the following actions at any time before a PIN is paid in full:

- withdraw the PIN and reissue a new one
- withdraw the PIN and take no further action against the alleged offender
- withdraw the PIN and commence prosecution proceedings against the alleged offender
- register the outstanding debt with the State Penalties Enforcement Register (SPER) for action

Unpaid Infringement Notices

If the penalty associated with an Infringement Notice is not paid, Safe Food may refer the fine to a collection agency or it may be registered with the SPER for enforcement.

SPER has powers relating to the collection and enforcement of unpaid Infringement Notice fines and court ordered monetary fines issued in Queensland.

SFPQ **may** refer an outstanding debt to SPER after the allowed period for payment has expired, or when an alleged offender has been approved for a voluntary payment instalment plan. The procedure for referring the debt to SPER is by lodging a default certificate (combined details of the offence, the alleged offender, the infringement notice, and the unpaid fine) and the registration fee (if applicable).

Approved by: The SFPQ Board

Date: 23 July 2015

Table 1 – Summary of offences where Infringement Notices can be issued

Offence Code	Section	Short / Common Description of Offences	Penalty Units	Amount (as at 1 July 2015)
<i>Food Production (Safety) Act 2000</i>				
FSA792	S79(2)	The person must not engage in the production of primary produce other than under an accreditation.	20	\$2356.00
FSA1184	S118(4)	The person must comply with the compliance notice unless the person has a reasonable excuse.	10	\$1178.00
<i>Food Production (Safety) Regulation 2014</i>				
FSR385	S38(5)	The holder must ensure the part of the vehicle containing the produce is maintained and cleaned in a sanitary way.	2	\$235.60
FSR39	S39	If water is used to process primary produce it must be potable or procedures must demonstrate that the water will not make the produce unacceptable.	2	\$235.60
FSR412	S41(2)	Animal at premises or in vehicle only permitted if it is to be slaughtered at the premises or in the vehicle, or is	2	\$235.60
FSR433	S43(3)	The holder must ensure the premises or part of the vehicle containing the produce is maintained and cleaned in a	2	\$235.60
FSR442	S44(2)	The holder must ensure the equipment is cleaned and maintained in a sanitary way.	2	\$235.60
FSR72	S72	The holder must store milk at a temperature that restricts the development of microbiological hazards in the milk.	2	\$235.60
FSR741	S74 (1)	An accreditation holder who labels pet food must comply with subsections (2) to (4) for the labelling of pet food.	2	\$235.60
FSR753	S75(3)	The holder must ensure the holder's dairy and equipment are kept clean and in good repair.	2	\$235.60
FSR781	S78(1)	The holder must process dairy produce at the holder's depot or factory in a way that complies with the	2	\$235.60
FSR80	S80	Holder processing dairy produce for human consumption must not have microbiological levels or chemical hazards or MRL's greater than those stated in the standard and have the composition stated in the standard.	2	\$235.60
FSR82	S82	A holder must use a testing program for dairy produce processed at the holder's factory to ensure the produce complies with the compulsory standard.	2	\$235.60
FSR87	S87	An accreditation holder must ensure the dairy and the equipment at the dairy comply with the compulsory standard.	2	\$235.60
FSR902	S90(2)	The holder must send the results of a test to SFPQ within 7 days of the laboratory conducting the test notifying the holder of the test results.	2	\$235.60

Offence Code	Section	Short / Common Description of Offences	Penalty Units	Amount (as at 1 July 2015)
FSR931	S93(1)	An accreditation holder must comply with subsections (2) to (4) for labelling goat milk.	2	\$235.60
FSR1372	S137(2)	As soon as possible after receiving the animal, the holder must stain the meat from the animal's carcass that is for animal consumption.	2	\$235.60
FSR1373	S137(3)	Meat must be stained to identify for animal consumption to avoid accidental use or substituted for meat or ready-to-eat meat for human consumption.	2	\$235.60
FSR150	S150	A holder processing pet meat/rendered product or unacceptable meat must identify it, separate it and not allow it to affect meat or RTE meat for human consumption.	2	\$235.60
FSR1641	S164(1)	A holder who pre-packages pet meat/product must label with holders name or no, use-by-date/batch no, weight, ingredients, storage, not for human consumption and for retail graphics of animal.	2	\$235.60
FSR165	S165	A holder who packages a rendered product must label the product with holders name/number and day the product is packaged.	2	\$235.60