



14 December 2016

City of Nedlands wins prosecutions against The Curry Tree

The City of Nedlands has won in its recent prosecutions against Mr S P Mackenzie & Siner Enterprises Pty Ltd in the Perth Magistrates Court on 5 December.

The verdict and sentence were delivered on Wednesday 14 December with the court finding both the former owner of The Curry Tree, Mr S P Mackenzie, & Siner Enterprise Pty Ltd guilty of:

s113 (1)(c) of the Food Act 2008 failure to notify of changes made to the activities carried out for the purposes of the food business that is likely to affect its priority classification.

The Court awarded to the City penalties and costs totalling \$23,800, consisting of \$12,000 in fine penalties and \$11,800 in court costs.

The City of Nedlands Chief Executive Officer Greg Trevaskis said: "This level of fine penalty provides the City with a clear indication as to the Court's view of significance of this offence."

During the trial, the City raised concerns that the labelling on the food article did not accurately reflect its contents as required under health and food regulations.

The City was advised of the change in food business operations after the receipt of a food complaint regarding a product purchased from a supermarket.

The food business failed to advise the City that they had changed their operations from a restaurant to manufacturing ready to eat meals that were sold pre-packaged at retail outlets.

"This is a public health issue in which the City has a very serious responsibility to ensure compliance with relevant laws.

"It should also be noted there is no general dissatisfaction with local health and food administration affecting many food outlets of various kinds within the City. Standards are high and enforcement is consistent," added Mr Trevaskis

The verdict comes two weeks after Mr Mackenzie staged a protest outside of the Council's administration offices relating to the ongoing prosecution that the City had with himself and his alleged unauthorised manufacture and distribution of food.

During the protest the City's Rangers spoke to Mr Mackenzie about his illegal parking on the footpath and erected signage which inappropriately referred to a staff member.

The Rangers advised that whilst Mr Mackenzie was free to protest he still needed to comply with relevant laws. Mr Mackenzie refused to cooperate and in the end acted in a threatening manner towards City Rangers and was aggressive to the front counter office staff.

As a result of his behaviour the City contacted the Police who attended and issued Mr Mackenzie with a 24 hour Move-on-Notice and a Criminal Code Infringement Notice for Disorderly Conduct.

"The things said and the actions of Mr Mackenzie at his recent protest has given rise to Police intervention and the City is obliged to treat such matters seriously," added Mr Trevaskis.

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About the City of Nedlands

The City of Nedlands is situated 7km from Perth and stretches from the banks of the Swan River to the edge of the Indian Ocean. A population of over 21,000 live in the suburbs of Nedlands, Dalkeith, Mt Claremont, Swanbourne, Karrakatta, and parts of Floreat and Shenton Park.

For further information please contact communications@nedlands.wa.gov.au or 9273 3500