

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1957. No. 5.

Regulations under the *Public Health Ordinance* 1928-1951.*

I DONALD ALASTAIR CAMERON, the Minister of State for Health, in pursuance of the powers conferred by the *Public Health Ordinance* 1928-1951, hereby make the following Regulations.

Dated this fourth day of July, 1957.

DONALD A. CAMERON

Minister of State for Health.

PUBLIC HEALTH (DAIRY) REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Public Health (Dairy) Regulations. Citation.

2.—(1.) The Public Health (Dairy) Regulations notified in the *Gazette* on 23rd October, 1930, and the Regulations, amending those Regulations, notified in the *Gazette* on 25th August, 1932, 7th December, 1933, 22nd August, 1935, 13th May, 1937, 3rd June, 1937, 2nd December, 1937, 22nd December, 1938, 25th May, 1939, and 12th October, 1939, are repealed. Repeal and saving.

(2.) For the purposes of these Regulations, a licence or registration in force, immediately before the commencement of these Regulations, under the Regulations specified in the last preceding sub-regulation shall continue in force as if granted or effected under these Regulations.

3. These Regulations are divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Regulations 1-4).

Part II.—Licensing and Registration (Regulations 5-9).

Part III.—Standards and Labelling (Regulations 10-18).

Part IV.—Dairy Herds (Regulations 19-27).

Part V.—Buildings and Equipment (Regulations 28-49).

Part VI.—Production, Preparation and Distribution of Milk and Cream (Regulations 50-86).

Part VII.—Miscellaneous (Regulations 87-105).

* Notified in the *Commonwealth Gazette* on 25th July, 1957.
6629/55.—PRICE 1s. 6d.

Interpretation.**4.—(1.) In these Regulations, unless the contrary intention appears—**

- “animal” means horse, cattle, pig, dog, sheep, goat, cat or poultry;
- “appliance” means the whole or a part of any utensil, implement, machine, instrument, apparatus, equipment or article used or intended for use in or for the milking of cows or the handling, storing, serving, making, treating, preparing, supplying, delivering or distributing of milk or cream or which in the course of those operations may come into contact with milk or cream;
- “approved” means approved by the Director-General or by a person authorized by the Director-General to grant approvals under these Regulations;
- “authorized officer” means an Inspector of Health or a person authorized in writing by the Director-General to exercise the powers of an authorized officer under these Regulations;
- “container” means anything by or in which milk or cream, or a substance containing or obtained from milk or cream, is or is intended to be enclosed, contained, covered, cased or packed, and includes a bottle, carton, jar or can;
- “cream” means that portion of milk in which, either through rest or mechanical separation, milk fat has become so concentrated that a given volume of that portion of milk contains not less than thirty-five parts per centum by volume of milk-fat;
- “cream mixture” means cream with the addition of one or both of the following substances:—
 - (a) sugar; and
 - (b) either gelatine or another approved stabilizing substance, but so that the gelatine or other approved stabilizing substance does not constitute more than one part per centum by volume of the cream mixture;
- “dairy herd” means one or more cows used for the production of milk for human consumption, whether for the purposes of sale or otherwise, and includes a bull used in connexion with the herd;
- “dairy” means any building, shed, land or place used for—
 - (a) the stalling, grazing, feeding or milking of cattle used or intended to be used for the purpose of producing milk or cream for sale; or
 - (b) the depositing, under the control of the producer, of milk or cream intended for sale, but does not include a factory;
- “dairyman” means a person carrying on the business of the production of milk or cream intended for sale and includes the occupier of a dairy;
- “factory” means a building, shed or place used in connexion with the handling, treating, pasteurizing, bottling, storing or manufacturing of milk or cream intended for sale;
- “infectious disease” has the same meaning as in the Public Health (Infectious and Notifiable Diseases) Regulations;
- “licensed” means licensed under these Regulations;
- “milk” means the lacteal secretion of the cow to which nothing has been added and from which nothing has been extracted;
- “milk shop” means premises used for the retail sale of milk, but does not include any portion of a factory or dairy;

- “milk vendor” means a person carrying on (otherwise than as a dairyman) the business of the sale of milk or cream or the storage, carriage or distribution of milk or cream intended for sale, and includes the occupier of a milk shop or factory;
- “owner” includes a joint owner, authorized agent, manager, superintendent, mortgagor, mortgagee and lessee;
- “occupier”, in relation to any premises or land, includes the person having the charge, management or control of premises or land;
- “pasteurized milk” means milk that conforms to the standard prescribed by these Regulations for pasteurized milk;
- “person” includes a partnership or a body of persons, whether corporate or unincorporated;
- “prepared cream” means cream prepared in a special way, and includes Devonshire cream, clotted cream, scalded cream and whipped cream;
- “raw milk” means milk which has not been subjected to a process or treatment other than straining and cooling;
- “reconstituted cream” means the fluid produced by emulsifying, with the aid of heat and agitation, a mixture of butter and any one or more of the following substances, namely, milk, dried milk, skim milk, dried skim milk, separated milk, dried separated milk and water;
- “registered” means registered under these Regulations;
- “seal” means a cover of an approved type used or intended to be used for closing the mouth of a bottle containing milk or cream intended for sale;
- “sell” means sell for human consumption, and includes—
- (a) barter for human consumption;
 - (b) offer or attempt to sell for human consumption;
 - (c) receive, have in possession, expose, send, forward or deliver for sale for human consumption;
 - (d) cause, suffer or allow to be sold for human consumption;
 - (e) supply, or have in possession for the purpose of supply, as part of a meal where consideration is to be received by the supplier either for the supply specifically or for service in which the supply is included,
- and “selling”, “sale” and “sold” have corresponding meanings;
- “thickened cream” means cream thickened by the addition of sucrose of lime, gelatine, sodium alginate or any preparation of rennin;
- “treatment”, in relation to milk or cream, includes the examination, cleansing, pasteurization, modification, testing, processing, grading, cooling, refrigeration, bottling and packing of milk or cream; and “treat”, “treated” and “treating” have corresponding meanings;
- “tuberculin” means tuberculin issued by the Department.

(2.) In these Regulations, a reference to a form by number shall be read as a reference to the form so numbered in the Schedule to these Regulations.

(3.) These Regulations do not apply to, or in relation to, the production or sale of condensed milk, evaporated milk, dried skim milk or tinned cream.

PART II.—LICENSING AND REGISTRATION.

Dairymen and milk vendors to be licensed and registered.

5.—(1.) A person shall not carry on the business of dairyman or milk vendor unless—

- (a) he is licensed to carry on the business;
- (b) the premises where the business is carried on are registered; and
- (c) he is the occupier of the registered premises.

(2.) A person carrying on the business of dairyman and also that of milk vendor shall hold a separate licence in respect of each business.

(3.) The provisions of paragraphs (b) and (c) of sub-regulation (1.) of this regulation do not apply to a person engaged solely in the carriage and distribution of milk or cream intended for sale.

Licensing of dairymen, &c., and registration of premises.

6.—(1.) An application for a licence or registration for the purposes of the last preceding regulation may be made in accordance with Form 1.

(2.) During the first week in November of each year, a person carrying on the business of dairyman or milk vendor and desiring to continue to carry on that business during the next succeeding year shall apply to the Director-General for a licence to carry on that business, and, unless the applicant is a person specified in sub-regulation (3.) of the last preceding regulation, for registration of the premises in which the business is carried on, during the next succeeding year.

(3.) The Director-General may in his discretion grant or refuse an application under this regulation.

(4.) Upon the granting of an application under this regulation, the Director-General shall issue to the dairyman or milk vendor a licence which may be in accordance with Form 2, or a certificate of registration, which may be in accordance with Form 3, or both, as the case may require.

(5.) The registration of premises under this regulation may be made subject to the condition that, as required by the Director-General and within such time as he specifies—

- (a) the buildings used in connexion with the business shall be altered, repaired, removed or replaced by other buildings; or
- (b) the appliances used in connexion with the business shall be altered, repaired, removed or replaced by other appliances.

(6.) Subject to these Regulations, a licence or registration continues in force until the thirty-first day of December next following the date on which the licence or registration commences.

(7.) The following fees are payable for licences and registrations, other than the registration of a milk shop:—

- | | |
|--|---------------|
| For a licence as dairyman or milk vendor | .. One pound. |
| For a registration of a dairy or factory | .. One pound. |

Establishment of factories.

7.—(1.) A person proposing to erect or alter a building for use as, or as part of, a factory or dairy shall submit to the Director-General, before construction is commenced, a description and complete plans and specifications of the proposed building or of the building as proposed to be altered and full particulars of the appliances which it is proposed to install.

(2.) Where plans and specifications are so submitted to the Director-General, he may require, as a condition of registration, that they be altered in such manner as he directs.

8.—(1.) Subject to this regulation, the Minister may at any time during the currency of a licence or registration, for good cause, cancel the licence or registration. Cancellation of licence or registration.

(2.) The Minister shall not cancel the licence or registration unless—

(a) he has, not less than fourteen days before cancelling the licence or registration, given to the dairyman or milk vendor a notice in writing—

- (i) stating that he intends to cancel the licence or registration unless the dairyman or milk vendor shows cause to the satisfaction of the Minister why the licence or registration should not be cancelled; and
- (ii) stating the grounds on which he has formed that intention; and

(b) the dairyman or milk vendor has not shown cause to the satisfaction of the Minister why the licence or registration should not be cancelled.

(3.) Where the Minister gives a notice under the last preceding sub-regulation, he may, if he thinks it necessary in the interests of public health so to do, by the same or a subsequent notice suspend the licence or registration pending his decision as to whether the licence or registration should be cancelled, but any such suspension shall not remain in force for more than fourteen days after the service of the notice of suspension.

(4.) Where the registration of any premises of a milk vendor is suspended, a person who has notice of the suspension shall not—

- (a) deliver milk or cream to those premises; or
- (b) sell or supply milk or cream to the milk vendor unless he is satisfied, on reasonable grounds, that the milk or cream is required for a purpose other than sale or use at those premises.

9.—(1.) A licensed dairyman or milk vendor shall, in a conspicuous place upon an exterior surface of— Notice to be displayed.

- (a) any registered dairy, factory or milk-shop in which he carries on his business; and
- (b) any vehicle used by him for the carriage or distribution of milk or cream,

display and keep displayed a notice containing in legible letters his name and the words "licensed dairyman" or "licensed milk vendor", as the case may be.

(2.) A person shall not display a notice containing the words "licensed dairyman" or "licensed milk vendor" unless he is licensed as a dairyman or milk vendor, as the case may be.

PART III.—STANDARDS AND LABELLING.

10.—(1.) The standard required by these Regulations in relation to milk is that it shall be milk as defined in regulation 4 of these Regulations and that it shall comply with the provisions of this regulation. Milk standard.

(2.) Milk shall not have been obtained from a cow during thirty days immediately before expected parturition or five days immediately after parturition.

(3.) Milk shall contain not less than eight and one-half parts per centum by volume of milk solids not being fat, and not less than three and one-half parts per centum by volume of milk fat.

(4.) The freezing point of milk shall not lie between zero Centigrade and 0.535 of a degree below zero Centigrade as determined in the Hortvet Cryoscope, the determination being modified—

(a) when 10 cubic centimetres of milk requires more than 1.6 cubic centimetres but not more than 4 cubic centimetres of decinormal sodium hydrate solution for its neutralization using phenolphthalein as indicator—by adding 0.003 of a degree Centigrade to the observed figure for each 0.1 of a cubic centimetre of decinormal sodium hydrate solution required in excess of 1.6 cubic centimetres; and

(b) when 10 cubic centimetres of milk requires more than 4 cubic centimetres of decinormal sodium hydrate solution for its neutralization—by deeming the freezing point not to lie between zero Centigrade and 0.535 of a degree below zero Centigrade.

(5.) Milk shall have a clump count not exceeding 200,000 micro-organisms per millilitre ascertained by the direct count method, using the single stain technique described in the Journal of the American Veterinary Medical Association, Volume XLVII, 1939, pages 525 to 526.

(6.) Milk shall not discolour in less than 4½ hours a methylene blue solution using the modified methylene blue test as described in the United Kingdom Medical Research Council's Special Report Series, No. 206, 1935, pages 215 to 216.

(7.) After being subjected to a laboratory pasteurization test in accordance with the method set out in the United Kingdom Medical Research Council's Special Report Series, No. 206, page 305, milk shall not have a count exceeding 50,000 micro-organisms per millilitre, the count being ascertained by a plate count in accordance with the procedures for a standard plate count as described by the American Public Health Association in Standard Methods for the Examination of Dairy Products, ninth edition, 1948.

Pasteurized
milk standard.

11.—(1.) The standard required by these Regulations in relation to pasteurized milk is that—

- (a) it shall conform to the standard for milk prescribed by the last preceding regulation;
- (b) it shall have been pasteurized by the method specified in this regulation; and
- (c) it shall otherwise comply with this regulation.

(2.) The method of pasteurizing milk is—

- (a) to heat the milk to a temperature of not less than 162 degrees Fahrenheit and not more than 188 degrees Fahrenheit and immediately afterwards reduce it to a temperature below 40 degrees Fahrenheit; or

(b) to heat the milk to a temperature of not less than 142 degrees Fahrenheit and not more than 148 degrees Fahrenheit and, after keeping it at that temperature for not less than thirty minutes, immediately reduce it to a temperature below 40 degrees Fahrenheit.

(3.) On application of the phosphatase test pasteurized milk shall give a reading of not more than 2.3 blue units measured on the Lovibond scale.

(4.) No coliform bacteria shall be revealed when a sample of the pasteurized milk is subjected to the coliform test as described by the American Public Health Association in the Standard Methods for the Examination of Dairy Products, ninth edition, 1948.

(5.) In the case of pasteurized milk in the cold room of a factory, it shall disclose a satisfactory keeping quality as determined by a modified methylene blue test of a standard of at least one hour applied after keeping the milk for 18 hours at 18 degrees Centigrade in a full sealed pint bottle.

12. The standard required by these Regulations in relation to skim milk or separated milk is that it shall contain not less than eight and eight-tenths parts per centum by volume of milk solids not being fat. Skim or separated milk standard.

13.—(1.) The standard required by these Regulations in relation to cream, or to cream of a particular description (including cream mixture), is that it shall be cream, or cream of that particular description, as defined in regulation 4 of these Regulations and that it shall comply with the provisions of this regulation applicable to cream, or to cream of that description, as the case may be. Cream standard.

(2.) Cream, reconstituted cream, thickened cream and prepared cream shall not contain preservative or any foreign substance.

(3.) Notwithstanding the provisions of the last preceding sub-regulation, whipped cream does not fail to comply with the standard required in these Regulations by reason only that it contains traces of nitrous oxide gas used in its preparation.

(4.) Reconstituted cream, thickened cream and prepared cream shall contain not less than thirty-five parts per centum by volume of milk fat.

(5.) The reaction value of cream or any description of cream shall not be greater than pH 7.0.

14. A person shall not sell pasteurized milk, or a substance represented to be pasteurized milk, in a bottle unless— Labelling of pasteurized milk.

(a) there are legibly embossed on the bottle, in not less than twelve-point lettering—

(i) the words "Pasteurized Milk";

(ii) the name of the person at whose premises the milk contained in the bottle was pasteurized; and

(iii) the contents by fluid measurement;

(b) there are on the bottle no other words which have not been approved by the Director-General;

- (c) there is legibly embossed on the disc, cap or device used for sealing the bottle, in eight-point lettering, a mark or code sign, approved by the Director-General, correctly indicating the day of the week on which the milk was placed in the bottle; and
- (d) there is on the disk, cap or device used for sealing the bottle no other mark, sign or word which has not been approved by the Director-General.

Labelling of skim milk.

15. A person shall not sell any skim milk or separated milk in a container (not being a bulk container) unless the container is durably and conspicuously marked on the outside with the words "SKIM MILK" conspicuously displayed on the side, shoulder, or neck of the container in bold-faced sanserif capital letters of not less than seventy-two points face measurement.

Labelling of cream.

16.—(1.) A person shall not sell cream, reconstituted cream, thicker cream or prepared cream in a container (not being a bulk container), unless there is attached to the container a label on which are written in bold-faced sanserif capital letters of not less than twelve points face measurement—

- (a) the descriptive name of the contents;
- (b) the word "Containing" followed by words, or words and figures, stating the number of parts per centum by volume of milk fat contained in the contents;
- (c) where the container contains thickened cream—words specifying the substance used as a thickener; and
- (d) where the container contains whipped cream prepared with nitrous oxide—the words "Prepared with nitrous oxide".

(2.) Where a substance is sold in a container upon which, or upon a label attached to which, is written the word "cream" or a description including the word "cream", the substance shall be deemed to be sold as cream or as a substance of that description, as the case may be.

Labelling and sale of cream mixture.

17.—(1.) A person shall not sell cream mixture in a container (not being a bulk container) unless there is attached to the container a label on which is written in bold-faced sanserif capital letters of not less than eight points face measurement—

- (a) the words "Cream Mixture"; and
- (b) the word "Containing" followed by words, or words and figures, specifying the stabilizing substance and stating the quantity or proportion of cream and of the stabilizing substance.

(2.) Where a substance is sold in a container upon which, or upon a label attached to which, are written the words "Cream Mixture" the substance shall be deemed to be sold as cream mixture.

(3.) A person shall not sell a substance as cream mixture if it is not cream mixture as defined in regulation 4 of these Regulations.

Size of lettering on small containers.

18. Notwithstanding anything contained in these Regulations, where words are required to be written on a label in letters of not less than a particular face measurement, and the container is so small that the use of letters of not less than that measurement is impracticable, the words may be written in letters of such reduced size, but not less than six points face measurement, as are appropriate to the size of the container and approved by the Director-General.

PART IV.—DAIRY HERDS.

19.—(1.) The owner of a dairy herd shall apply to the Director-General for the registration of the herd— Registration of dairy herds.

(a) where the herd is used to produce milk or cream for sale—
within fourteen days after the date of establishment of the herd, and during the first week in November of each year; or

(b) in any other case—within fourteen days after the date of establishment of the herd.

(2.) The application may be in accordance with Form 4.

(3.) The Director-General may, in his discretion, grant or refuse an application under this regulation.

(4.) Where the Director-General grants an application under this regulation, registration shall be completed by the entry of the appropriate particulars in the register kept by the Director-General.

(5.) A person making application for the registration of a dairy herd used to produce milk or cream for sale shall pay a fee of One pound.

(6.) The registration of a dairy herd as a dairy herd used to produce milk or cream for sale remains in force up to and including the thirty-first day of December next following the day on which the registration is expressed to commence, and no longer.

(7.) The owner of a registered dairy herd shall not, without the consent of an authorized officer, add any animal to that herd.

(8.) A person shall not keep a dairy herd unless—

(a) fourteen days have not elapsed since the date of establishment of the dairy herd;

(b) the dairy herd is registered; or

(c) he has made application in accordance with this regulation for registration of the dairy herd, and the result of the application has not been communicated to him.

20.—(1.) Whenever an authorized officer so requires, the owner of a dairy herd shall cause or permit any or all of the cattle in the herd to be tested with tuberculin by or under the supervision of an authorized officer, or cause or permit such other tests, inoculations or examinations as an authorized officer requires. Testing of herds.

(2.) A person shall not bring into the Territory a bovine animal to be used for the production of milk for human consumption or to be used in connexion with a dairy herd unless it is accompanied by a certificate of a qualified veterinary surgeon stating that the animal has, on a date not more than thirty days before the date of the entry of the animal into the Territory, been subjected to the intradermal tuberculin test with a negative result.

21.—(1.) The owner of an animal which reacts specifically to the tuberculin test shall, as required by an authorized officer, cause it to be isolated, destroyed or otherwise dealt with. Compensation for animals affected with tuberculosis.

(2.) Before an animal is destroyed a valuation of the animal shall be made by the owner and an authorized officer.

(3.) The valuation shall be calculated upon the current local market value, without regard to the reaction to the tuberculin test.

(4.) Where the owner and the authorized officer do not agree upon a valuation, the matter shall be submitted to the Minister, whose decision on it shall be final.

(5.) Where an animal is destroyed as required by an authorized officer, the Minister shall pay to the owner of the animal a sum equivalent to fifty per centum of the value of the animal as assessed in accordance with this regulation, and if the animal was sold for slaughter, or the animal was destroyed and the carcass sold, the proceeds of the sale shall be payable to, and be retained by, the Commonwealth.

Compensation where animal not affected with tuberculosis.

22. Where the Minister is satisfied that a *post mortem* examination of an animal destroyed under the provisions of sub-regulation (1.) of the last preceding regulation shows that the animal did not show lesion of tuberculosis he shall, in lieu of the amount payable under the last preceding regulation, pay to the owner the value of the animal as assessed in accordance with the last preceding regulation.

Contact between tested and other animals.

23. The owner of a dairy herd shall as far as is practicable prevent contact between registered tested animals and travelling or other unregistered stock.

Notification of diseases.

24. A dairyman shall forthwith notify the Director-General when he becomes aware of the occurrence in any of the cattle of his dairy herd of any disease or abnormal condition.

Notice by authorized officer of diseases, &c.

25.—(1.) Where an authorized officer suspects that an animal in a registered dairy herd on a registered dairy is affected with a disease or abnormal condition which is likely to affect the quality of the milk, he may, by notice in writing to the dairyman, do one or more of the following:—

(a) prohibit the sale or use of milk from the animal—

(i) for any purpose; or

(ii) for any purpose other than for the feeding of calves, pigs or poultry after the milk has been treated as the officer requires;

(b) order the isolation of the animal for such period as is specified in the notice;

(c) order the destruction of the animal;

(d) order the animal to be dealt with in such manner as is specified in the notice.

(2.) Where an authorized officer orders the destruction of an animal suspected of being affected with tuberculosis, the provisions of regulations 21 and 22 of these Regulations with respect to compensation apply in relation to the destruction of the animal.

Depasturing of cattle.

26. The owner of a dairy herd—

(a) shall, upon being directed in writing so to do by an authorized officer, forthwith remove his dairy herd from any portion of the grazing land upon which they are depasturing, or from any part of premises occupied by him, if the use of that grazing land or premises is, in the opinion of the authorized officer, likely to affect prejudicially the cattle or their milk;

- (b) shall not, until permission in writing is given him by an authorized officer, permit or suffer any of the dairy herd to graze or be depastured upon the grazing land or to re-occupy the premises from which they have been removed in accordance with the provisions of the preceding paragraph;
- (c) shall, whenever required so to do by an authorized officer and within the time specified by him, muster all his dairy cattle and confine them in a stockyard or bail them in a secure bail, as directed by the officer; and
- (d) shall assist, as the officer requires, in any inspection, examination or test of the cattle.

27.—(1.) The owner of a dairy herd shall not—

Feeding of cattle.

- (a) serve, or permit or suffer to be served, to his dairy herd, any unsound, decayed or unwholesome food, or any food which may injuriously affect the milk or health of the cattle; or
- (b) permit or suffer any food to be fed to an animal in a milking shed.

(2.) If an authorized officer has reasonable grounds for believing that any cattle food in or upon the premises of the owner of a dairy herd is unsound or unfit for use as food, he may require the owner of the dairy herd to remove that cattle food from the premises, and the owner shall comply with the requirement.

PART V.—BUILDINGS AND EQUIPMENT.

28.—(1.) A person shall not carry on business as a dairyman unless there is at the dairy used in connexion with the business a milking shed which complies with the following requirements:—

Milking shed.

- (a) it shall be roofed of approved material so that the roof is weatherproof;
 - (b) it shall be efficiently ventilated to the satisfaction of an authorized officer;
 - (c) its floor shall be constructed of good, durable, non-absorbent materials laid upon a sound, solid foundation so as to be permanently watertight and shall be evenly graded with proper slopes in the direction opposite to the bail exit doors to impervious open drains or channels which shall—
 - (i) be laid the whole length of the shed;
 - (ii) be of such width as to permit of being readily cleansed with a broom; and
 - (iii) discharge outside the milking shed into a suitable absorption drain or other approved device or be prolonged with a continuous fall to an area of cultivated ground,
- and every part of the surface of the floor shall be not less than four inches above the adjacent ground;
- (d) where the milking shed is wholly enclosed, it shall be efficiently lighted by suitable openings in its walls or roof; and
 - (e) it shall not contain a feed-mixing bin.

(2.) A person shall not milk a cow belonging to a dairy herd except in a milking shed which complies with the requirements of this regulation.

Milk room.

29.—(1.) A person shall not carry on business as a dairyman unless there is at the dairy used in connexion with the business a milk room which complies with the following requirements:—

(a) the floor shall—

- (i) be paved with impervious material laid so that the lowest part of its surface is not less than four inches above the adjacent ground;
- (ii) have a fall of not less than one in one hundred and twenty to an impervious channel, discharging over a trapped gully outside the building and properly connected to a drain; and
- (iii) have a surface finished smoothly and evenly so as to prevent the lodgement of any liquids;

(b) the room shall be adequately ventilated and lighted;

(c) all exterior openings, and openings into other rooms not fly-proofed, shall be fitted with fine fly-proof screens, constructed of approved material, and the doors shall be self-closing;

(d) the walls and roof shall be constructed of approved materials;

(e) the woodwork of the doors and windows and of the frames of the doors and windows shall be properly painted, and fitted so as to be fly-proof; and

(f) the shelves, benches, tables and racks or other fittings shall be made of metal, and so fitted that they may be readily cleansed.

(2.) A dairyman shall at all times—

(a) maintain his milk room and all its fittings and utensils—

(i) in good order and repair; and

(ii) scrupulously clean in every part, both inside and outside; and

(b) secure the removal and exclusion of flies from the interior of his milk room.

Water supply.

30. A dairyman—

(a) shall keep in or in connexion with every milking shed or stockyard in his occupation an abundant supply of water from an approved source;

(b) shall, if required by an authorized officer, provide, in such places as are specified by the officer, approved receptacle of sufficient capacity for watering his dairy cattle, and shall keep each such receptacle in good repair, clean, and constantly supplied with wholesome water;

(c) shall cause any tank or other receptacle for storing water for the purpose of his dairy to be emptied and cleaned as often as an authorized officer directs;

(d) shall, when the water used by him for dairy purposes is obtained from a well, spring, stream, or other natural source, prevent the source of supply from being contaminated on his premises; and

- (e) shall not suffer or permit any of his dairy herd to have access to impure or contaminated water.

31. A dairyman—

- (a) shall cause every stockyard and stable at his dairy or used by him to be properly drained;
- (b) shall, when required by an authorized officer, provide for horses kept at his dairy sufficient stabling accommodation disconnected from, and at least fifty feet distant from, his milking shed, milk room and any place where milk is stored; and
- (c) shall not suffer or permit any animal other than dairy cattle to be at any time in his milking shed or in any place where milk is kept.

Stockyards,
stables, sheds,
&c.

32.—(1.) A person shall not erect or permit or suffer to be erected any fowl-house or enclosure for fowls within fifty feet of a milking shed, milk room or place where milk is stored or kept.

Fowl-houses
and poultry.

(2.) A dairyman or milk vendor shall confine within approved enclosures all poultry at his dairy.

33. A dairyman shall not keep, or suffer or permit to be kept, more than three dogs at his dairy.

Dogs.

34. A dairyman shall not keep, or suffer or permit to be kept, a pig within a distance of two hundred yards from any part of his dairy.

Pigs.

35. A dairyman—

- (a) shall provide at an appropriate place at his dairy adequate sanitary conveniences for persons employed at the dairy and cause all sanitary conveniences at his dairy to be kept at all times in a scrupulously clean condition and in good repair;
- (b) shall provide adjacent to each sanitary convenience hand basins with water under pressure; and
- (c) shall cause all surface washings, milk room wastes, and all other liquid wastes arising from the premises to be disposed of by an approved method.

Cleanliness of
sanitary
conveniences,
&c.

36.—(1.) A person shall not carry on business as a dairyman or milk vendor unless, on the premises where the business is carried on, there is, in an approved position, an approved apparatus for heating water to a temperature of not less than 165 degrees Fahrenheit for cleansing, scalding or sterilizing his appliances.

Cleanliness of
utensils. &c.

(2.) A dairyman or milk vendor—

- (a) shall not use, or suffer or permit to be used, the apparatus specified in the last preceding sub-regulation for any purpose other than the purposes specified in that sub-regulation; and

- (b) shall cause every appliance used or provided by him to be thoroughly cleansed immediately after it has been used, and then sterilized with clean water of a temperature of not less than 165 degrees Fahrenheit.

Vehicles.

37.—(1.) A person shall not engage in the carriage or delivery of milk or cream for sale unless—

(a) every vehicle used by him for that carriage or delivery is—

- (i) of an approved design;
- (ii) capable of being effectively and readily cleansed; and
- (iii) so constructed and maintained as to protect the milk or cream carried in it from dust, flies, other insects, and any other thing which might render the milk or cream unwholesome or injurious to health;

(b) all measures and other utensils used by him in connexion with any vehicle are stored within a suitable box provided with an impervious inner receptacle which can be easily removed for cleansing purposes;

(c) every vehicle used by him for the carriage or delivery of milk or cream for sale—

- (i) is steam cleaned daily after use;
- (ii) is kept in good repair;
- (iii) is painted externally and internally with an approved paint whenever an authorized officer so directs;
- (iv) has conspicuously affixed to or painted and maintained on both sides of the vehicle in letters not less than three inches in height the name of the person and his address (being, where the person is the occupier of registered premises, the address of those premises) and the words "licensed milk vendor"; and
- (v) is used solely for the carriage or delivery of milk or cream for sale.

(2.) Sub-paragraph (v) of paragraph (c) of the last preceding sub-regulation does not apply in relation to a vehicle by reason only that the vehicle is used for the carriage or delivery of milk or cream from a dairy to a factory.

Containers to have owner's name impressed or embossed.

38.—(1.) Subject to this regulation, a person shall not use a container for the storage, keeping or transport of milk or cream intended for sale unless the name of the owner of the container is permanently impressed into or embossed on the container or a metal plate permanently attached to the container.

(2.) This regulation does not apply in relation to milk in a milk shop kept as stock intended for sale by retail in that milk shop.

Cleanliness of dairy.

39. A dairyman—

(a) shall cause the ceiling or underside of the roof, the interior surface of the walls and the fittings of all parts of a dairy in his occupation—

- (i) to be kept clean; and
- (ii) to be kept painted with lead-free paint, except where the material is of such a kind that it can be kept properly cleansed without being painted;

(b) shall—

- (i) cause the floor of every milking shed in his occupation to be thoroughly swept and cleansed immediately after each milking;
 - (ii) cause all dung and other offensive matter to be removed from the floor as soon as deposited; and
 - (iii) cause every part of the shed to be kept clean;
- (c) shall cause every stockyard and stable in his occupation to be kept clean;
- (d) shall cause every drain and drain inlet upon his premises to be thoroughly cleansed daily;
- (e) shall, whenever required to do so by an authorized officer, cause his milking shed or other building upon his dairy to be disinfected in such manner and with such materials as the authorized officer directs;
- (f) shall cause to be kept clean—
- (i) the ceiling or the underside of the roof;
 - (ii) the interior surfaces of the walls; and
 - (iii) the floor,
- of every forage store, feed store and feed mixing room, and every feed trough, feed bin and receptacle used for mixing feed on his dairy; and
- (g) shall cause dung, manure and offensive or putrescible matter of any kind in, upon or about a house, milk room, milking shed, stable, stockyard, fowl-house or enclosure for fowls upon his dairy to be removed daily and treated or disposed of as an authorized officer from time to time directs.

40.—(1.) The occupier of a factory shall cause the factory to comply with the requirements of this regulation. Factory requirements.

(2.) Every opening in a part of a factory used for the treatment or storage of milk or cream, not being an opening between that part and another part of the factory that is also so used, shall be effectively screened or otherwise protected against the entrance of flies.

(3.) The openings through which cans, crates and other articles are placed in rapid succession shall be equipped with self-closing fly-wire screens or similar devices to exclude flies.

(4.) Every room in which milk is treated or handled, or in which an appliance is operated shall be adequately lighted by natural or artificial light, or both.

(5.) In every room in which milk is treated, handled or stored—

- (a) the floor shall be constructed of impervious material;
- (b) the surface of the floor shall be smooth, capable of being readily cleansed, sloped to suitable convenient outlets and without any joint or depression in which water may collect;
- (c) the joints between the walls and the floor shall be coved; and
- (d) there shall be adequate ventilation.

(6.) Suitable trapped drains of sufficient size, and so located, as to remove drainage rapidly and in a sanitary manner shall be provided.

(7.) When required by the Director-General, any yard, passage or way belonging to or used with the factory shall be paved and drained within such time, in such manner and with such material as the Director-General directs by notice in writing to the occupier.

(8.) The surfaces of the walls and ceiling of rooms in which milk is treated, handled or stored shall be—

- (a) smooth;
- (b) of material which is impervious, washable, and light in colour; and
- (c) clean and in good repair.

(9.) The interior surfaces of the walls and ceilings of every room and compartment being part of the factory shall, to the satisfaction of the Director-General—

- (a) be painted with oil paint which does not contain lead, or treated with other authorized material; and
- (b) be repainted or otherwise treated whenever and in such manner as the Director-General directs by notice in writing to the occupier.

(10.) The factory shall be maintained at all times in a clean, serviceable, sanitary and structurally sound condition.

Washing
facilities and
sanitary
conveniences,

41.—(1.) The occupier of a factory shall provide for his employees suitable washing facilities and sanitary conveniences which comply with the provisions of this regulation.

(2.) The facilities and conveniences—

- (a) shall be provided separately for each sex;
- (b) shall be located in an approved position; and
- (c) shall be contained in rooms which are separate from and do not open directly into any room in which milk is handled, treated or stored.

(3.) The occupier of a factory shall not suffer or permit facilities or conveniences referred to in this regulation to be used in any way in connexion with the treatment or handling of milk, or the cleansing of any appliance.

(4.) The sanitary conveniences shall comply in all respects with the provisions of the Public Health (General Sanitation) Regulations.

Washing
materials, &c.

42. The occupier of a factory shall—

- (a) keep each employee provided with soap and clean towels or other approved materials for cleansing his hands at the factory;
- (b) provide a sufficient number of properly covered receptacles for the reception of all refuse arising in, on or around the factory; and
- (c) shall ensure that all refuse is removed from the factory daily.

Stables not
to be near
factory.

43.—(1.) The owner or occupier of a factory shall not erect or maintain stables, or permit or suffer stables to be erected or maintained, within one hundred and fifty feet of the factory.

(2.) A person shall not erect or establish stables, or suffer or permit stables to be erected or established, within one hundred and fifty feet of a factory.

44. The occupier of a factory where milk is treated for sale as pasteurized milk— Factory appliances for pasteurization.

- (a) shall provide approved apparatus for the pasteurization of milk by a method specified in these Regulations;
- (b) shall ensure that—
 - (i) filters other than metal screens are not placed on the outlet side of a pasteurizer or permitted to come into contact with pasteurized milk; and
 - (ii) milk is not filtered or strained after it has left a pasteurizer;
- (c) shall provide approved indicating thermometers and recording thermometers and ensure that these thermometers are kept inserted in approved places in the apparatus during the whole of the pasteurizing process; and
- (d) shall ensure that—
 - (i) on each day on which a pasteurizer is used a new chart is provided for and connected to every recording thermometer attached to a pasteurizer;
 - (ii) on the chart are legibly recorded by a mechanical device the temperature at each stage of the pasteurizing process, the length of time of the process and the date on which the process was carried out;
 - (iii) the chart is signed immediately after the pasteurizing process has been completed by the person carrying out the pasteurization;
 - (iv) where more than one pasteurizer is in use, a separate number is allotted to each pasteurizer and the number of the pasteurizer to which the recording thermometer was attached is recorded on the chart; and
 - (v) the chart is kept in good order and open to inspection at all times by a inspector for a period of three months after the day when the record on the chart was made.

45. The occupier of a factory at which milk is bottled shall provide approved bottling and sealing equipment. Bottling and sealing equipment.

46. The occupier of a factory shall provide and maintain in an efficient state approved machines or equipment for washing and sterilizing bottles and milk cans. Washing and sterilizing equipment.

47. The occupier of a factory shall provide— Equipment for storage, &c.

- (a) adequate approved facilities for the storage, cold storage and cooling of milk and cream;
- (b) approved wash and rinse vats for the cleansing and bactericidal treatment of equipment;

- (c) adequate approved facilities for the storage without contamination of utensils, piping, equipment, bottles, cans, bottle-crates, measures, containers and utensils used in the treatment, handling or distribution of milk or cream; and
- (d) such other equipment as the Director-General considers necessary and directs in writing to be provided.

Construction
of appliances.

48. The occupier of a factory shall ensure that any appliance used in the treatment, handling or storage of milk or cream in that factory—

- (a) is so constructed and kept in repair as to facilitate cleansing and bactericidal treatment;
- (b) is constructed without any open seam, and with any joints made flush with the surface;
- (c) has any surface with which milk or cream comes in contact—
 - (i) made of smooth non-corrosive metal;
 - (ii) kept free from accumulation of milk solids and other foreign substances; and
 - (iii) readily accessible for cleansing; and
- (d) is constructed of such material, and so maintained, as not to affect adversely the quality or taste of the milk or cream.

Piping and
connexions.

49. The occupier of premises being a dairy, factory or milk shop shall ensure that—

- (a) the milk piping and connexions on the premises—
 - (i) are of such size and material as to be capable of being readily cleansed; and
 - (ii) change direction where necessary by means of a crosspiece, square junction or approved sanitary bend; and
- (b) there is no bend in any single length of pipe line.

PART VI.—PRODUCTION, PREPARATION AND DISTRIBUTION OF MILK AND CREAM.

Precautions
prior to and
during milking.

50. A dairyman—

- (a) shall ensure that the milk is protected, during the process of milking, from infection and contamination;
- (b) shall ensure that, immediately before the milking of a cow—
 - (i) the cow's udder, teats, and skin adjacent to the udder; and
 - (ii) the hands of the person milking the cow, are thoroughly cleansed;
- (c) shall ensure that suitable appliances in a convenient situation are provided for the purposes of the last preceding paragraph;
- (d) shall not mix or suffer or permit to be mixed with any milk intended to be used for human consumption—
 - (i) milk obtained from a cow within thirty days before expected parturition or five days after parturition; or
 - (ii) the first jets of milk drawn from any teat; and
- (e) shall ensure that the first jets of milk from each teat are milked into an udder teat cup and examined, and are not used for human consumption.

51.—(1.) A dairyman or milk vendor—

**Storage, &c.,
of milk.**

- (a) shall take all reasonable and proper precautions in connexion with the storage, carriage, transport and distribution of milk to prevent the exposure of the milk to infection or contamination or to anything likely to be injurious or deleterious to it;
- (b) shall not, except as permitted by the next succeeding sub-regulation, store, sell or keep for sale milk or cream—
 - (i) in any place in which is stored or kept for sale a substance by which milk or cream is liable to be contaminated;
 - (ii) in any room, building or part of a building communicating directly by door, window, ventilation or otherwise with a room used as a kitchen, bedroom or laundry, or with any other room or place liable to render the milk or cream unwholesome or injurious to health; or
 - (iii) in a room, building or part of a building in which there is a person suffering from an infectious disease, or in which there has been such a person, unless the room, building or part of a building has since been properly disinfected;
- (c) shall ensure that milk or cream intended for sale—
 - (i) does not come into contact with a rough or damaged surface; and
 - (ii) is not placed in a vessel, receptacle or utensil (other than a bottle) and is not run over a cooler or refrigerator, unless the vessel, receptacle, utensil, cooler or refrigerator is coated internally with tin or other approved finish and is free from cracks, seams, rust, projections, dents and rough or torn edges;
- (d) shall ensure that—
 - (i) each container used by him in the carriage of milk or cream is furnished with a close-fitting lid; and
 - (ii) no rag, cloth or other material is used with the lid of a container;
- (e) shall not use with milk or cream an appliance in such a condition that it could give off particles to the milk or cream or influence its composition; and
- (f) shall ensure that while milk is in transport or distribution for sale it is not unnecessarily exposed to the sun.

(2.) Notwithstanding the provisions of sub-paragraph (ii) of paragraph (b) of the last preceding sub-regulation, a dairyman or milk vendor may store milk or cream intended for sale in a kitchen or other place referred to in that sub-paragraph if—

- (a) the milk or cream is stored in an ice-chest, refrigerator or other cooling device; and
- (b) an authorized officer approves in writing the storage of the milk or cream in that place.

Storage of
milk and
equipment.

52.—(1.) A dairyman shall not deposit milk, or a vessel, implement or article which comes in contact with milk, in or on any part of the dairy other than the washroom, utensil storage room, milk room or bails.

(2.) A dairyman shall ensure that, with the exception of the main milk line and the main vacuum line normally fitted in the bails, all equipment used for the containing or passage of milk is stored in the fly-proof areas of the dairy.

Obligations of
occupier of
factory.

53. The occupier of a factory where milk is treated for sale as pasteurized milk—

(a) shall, on each occasion immediately before pasteurization is commenced—

(i) cause the flow diversion valve attached to every pasteurizer to be tested to determine the cut-in and cut-out responses; and

(ii) thereafter cause that valve to be locked;

(b) shall not proceed with pasteurization unless the test referred to in the last preceding paragraph shows that the flow diversion valve is operating properly;

(c) shall not allow any milk intended for sale as pasteurized milk to come into contact with or be placed in an appliance used for unpasteurized milk unless the appliance is first effectively sterilized;

(d) shall ensure that, except in case of emergency, the cover of a pasteurizer is kept closed during pasteurization and until all milk is removed from the pasteurizer;

(e) shall ensure that all milk intended for sale as pasteurized milk is cooled to a temperature of not more than 38 degrees Fahrenheit and kept at that temperature until delivery; and

(f) shall ensure that no cans of unpasteurized milk are stored in the room in which pasteurization is carried out.

Obligations of
occupier of
milk bottling
factory.

54. The occupier of a factory where milk or cream is bottled shall ensure that—

(a) a bottle in an obviously offensive condition is not received into the factory;

(b) every bottle is filled or partly filled by means of an approved mechanical bottle filler;

(c) every bottle is, immediately after being filled, tightly and securely sealed—

(i) by means of a metal cap overlapping the mouth of the bottle; or

(ii) in such other approved manner as will protect the milk or cream in the bottle from contamination by dirt, dust, insects or any other thing;

(d) the seal—

(i) is applied to the bottle by means of a mechanical appliance approved by the Director-General; and

(ii) is not touched by a person during the process of sealing;

(e) any disc, cap or metal intended for use in sealing a bottle containing milk or cream —

- (i) is stored in a sealed sanitary container;
- (ii) is kept free from contamination; and
- (iii) is kept in a clean dry place until it is required for use;

(f) the seal is kept clean and protected from contamination from the time when the original package in which it is contained is opened until the time when the sealing process is completed;

(g) the bottling equipment and its operation are such that a uniform composition is placed in each bottle during the bottling operation; and

(h) no disc, cap or metal is used which has been used previously for bottling milk or cream or for any other purpose.

55. The occupier of a factory where milk intended for sale is bottled shall ensure that—

Cleansing and sterilizing of bottles, &c.

(a) approved machinery or equipment for washing and sterilizing bottles and milk cans is provided and maintained in an efficient state;

(b) each bottle is cleansed and sterilized by means of that machinery or equipment, and examined visually for cleanliness, immediately before it is filled;

(c) each milk can is cleansed and sterilized by means of that machinery or equipment immediately after its contents have been removed and also immediately before it is used to contain pasteurized milk;

(d) a bottle, milk can or other milk vessel does not leave his possession or control unless it is in a thoroughly clean condition and free from any offensive odour; and

(e) on a mechanical washer for bottles and cans there are provided to the satisfaction of the Director-General indicating thermometers which indicate the temperature of any solution through which bottles placed in the mechanical washer pass for cleansing.

56. A person shall not place in a mechanical bottle washer in a factory a bottle which—

Certain bottles not to be placed in mechanical washer.

(a) is in an obviously offensive condition;

(b) contains anything other than milk or cream; or

(c) contains sour milk or sour cream.

57. The occupier of a factory where milk or cream is bottled shall ensure that the machinery and equipment used in the treatment, bottling or handling of milk or cream—

Sterilization, &c., of bottling equipment.

(a) is given when assembled a bactericidal treatment by steam or other approved method immediately before the commencement of operations each day;

(b) is thoroughly cleansed by an approved method immediately after it is used; and

- (c) after being cleansed is stored in such a manner as to be protected against drainage, dust, flies and any other source of contamination.

Rejection of certain milk and cream delivered to factory.

58. The occupier of a factory where milk or cream is bottled shall ensure that—

- (a) milk with a temperature of more than 40 degrees Fahrenheit is not received into the factory from a source outside the Territory;
- (b) a bacteriological examination of all milk delivered to the factory is carried out by the modified methylene blue test at the first convenient time on the day of delivery or, where so required under the next succeeding paragraph, immediately after delivery, and an accessible record of the examination is kept;
- (c) when milk is subjected to the Methylene Blue Reductase Test, action is taken in accordance with the provisions of the following sub-paragraphs:—
 - (i) where the milk decolourizes in from 4 to 4½ hours, the milk may be received, but the owner of the milk shall be informed of the result of the test;
 - (ii) where the milk decolourizes in from 2½ to 4 hours, the milk may be received, but the owner of the milk shall be informed of the result of the test, and milk from the same owner shall, at the next delivery, be tested immediately after delivery;
 - (iii) where the milk decolourizes in less than 2½ hours, the milk shall be rejected, and milk from the same dairy shall not be received for the first time thereafter unless—
 - (A) two clear days have elapsed since the day of the last rejection under this sub-paragraph; and
 - (B) the milk, upon being tested immediately after delivery, does not decolourize in less than 2½ hours;
- (d) milk or cream is not received into the factory, if—
 - (i) the milk or cream contains or is known by him to have contained an animal, bird, maggot, insect or other thing making it unfit for human consumption;
 - (ii) the milk or cream is affected by putrefactive decomposition; or
 - (iii) subject to the last preceding paragraph, the milk or cream does not comply with the standard prescribed in these Regulations;
- (e) a sufficient quantity of methyl violet to colour effectively the whole is forthwith added to—
 - (i) milk rejected in accordance with this regulation; and
 - (ii) milk or cream the receipt of which into the factory is refused by reason of the provisions of paragraph (d) of this regulation.

59. The occupier of a factory shall ensure that no milk or cream not intended for human consumption is handled or processed in the factory unless—

Equipment for handling milk or cream not to be used for other purposes.

- (a) the equipment used in that handling or processing is entirely separate from any equipment used in the handling or processing of milk or cream intended for human consumption; and
- (b) the handling or processing is not carried out in a room in which milk or cream intended for human consumption is handled or processed, unless the Director-General in writing otherwise approves.

60.—(1.) If, in the opinion of the Director-General, the whole or part of an appliance used in the handling, storage or treatment of milk or cream at a dairy, factory or milk shop is unsuitable or likely to have a deleterious or contaminating effect on milk or cream, the Director-General may, by notice in writing to the occupier of the dairy, factory or milk shop—

Unsuitable appliances not to be used.

- (a) prohibit the use of that appliance; or
- (b) prohibit the use of that appliance unless it has been altered as specified in the notice.

(2.) A person shall not use an appliance or suffer or permit an appliance to be used in contravention of a notice under the last preceding sub-regulation.

61. A person—

Overalls to be worn.

- (a) engaged in a factory in the treatment, bottling, examining, testing or handling of milk or cream or in the washing of bottles or cans; or
- (b) engaged in the carriage, distribution or delivery of milk for sale,

shall wear clean washable overalls as top wear outer garments.

62. Where milk has been brought by railway tanker into a factory, the occupier of the factory—

Milk brought by railway tankers.

- (a) shall take proper precautions to keep the milk at all times free from contamination by coal dust or other source of contamination; and
- (b) shall not open, or suffer or permit to be opened, the lid of a vat—
 - (i) while the tanker is attached to a locomotive; or
 - (ii) before the surface of the vat immediately surrounding the lid has been thoroughly cleansed.

63. A dairyman or milk vendor shall not sell milk or cream, or sell a substance as milk or cream or as milk or cream of a particular description, including cream mixture, if the milk, cream or substance—

Prohibition on sale of certain milk and cream.

- (a) has been obtained from a diseased cow;
- (b) has been exposed to infection from a person suffering from an infectious disease;
- (c) has been on or in a dairy, factory or milk shop the registration of which under these Regulations has been refused or cancelled;

- (d) has been produced in the Territory on unregistered premises;
- (e) has been seized by an authorized officer in accordance with these Regulations;
- (f) has any taint or abnormal smell, or contains a preservative;
- (g) is unfit for human consumption;
- (h) does not comply with the standards prescribed in these Regulations for milk or cream, or for milk or cream of that description, as the case may be;
- (i) has not been obtained from—
 - (i) a registered dairy herd within the Territory; or
 - (ii) a source outside the Territory approved by the Director-General; or
- (j) has, except as approved by the Director-General, been subject to any form of treatment, other than straining or cooling, outside the Territory.

Persons suffering from disease not to engage in production, &c., of milk or cream for sale.

64. A person—

- (a) suffering from a skin affection, consumption (phthisis), chronic cough, loathsome disease, venereal disease or infectious disease; or
 - (b) wearing unclean or medicated bandages,
- shall not engage or be employed in, or handle an appliance used in, the production, handling, treatment, storage, carriage or delivery of milk or cream intended for sale.

Presence of diseased person on dairy, &c., to be reported.

65. Where a person suffering from an infectious disease is in or upon or enters a dairy, factory or milk shop—

- (a) the occupier, or where there is no occupier, the owner, of the dairy, factory or milk shop; and
- (b) the medical practitioner, if any, attending that person at the dairy, factory or milk shop,

shall forthwith report in writing to the Director-General the presence of the person in or upon the dairy, factory or milk shop and the disease from which he is suffering.

List of customers to prevent spread of disease.

66. Where, in the opinion of the Director-General, the spread of infectious disease is attributable to milk supplied by a dairyman or milk vendor, the Director-General may, by notice in writing, require that dairyman or milk vendor to furnish forthwith a list of the names and addresses of all his customers, and to give such assistance to discover the residence of all or any of them as the Director-General deems necessary.

Dairyman not to allow infected person to engage in milk production, &c.

67.—(1.) A dairyman or milk vendor shall not knowingly allow a person who is suffering from an infectious disease or is capable of communicating an infectious disease—

- (a) to milk cows;
- (b) to handle an appliance used for containing milk or cream; or
- (c) to take part in the production, treatment, distribution, carriage, delivery, handling or storage of milk or cream.

(2.) Where the Director-General notifies a dairyman or milk vendor in writing that in his opinion a specified person is suffering from, or is, or may be, capable of communicating, an infectious disease, the dairyman or milk vendor shall not suffer or permit that person to perform work specified in the last preceding sub-regulation during the period specified in the notice.

68. A person who knows that he is a carrier of an infectious disease shall not engage in the production, treatment, storage, handling, carriage, delivery or distribution of milk or cream.

Carrier of infectious disease not to engage in milk production, &c.

69. A person engaged or about to be engaged in work connected with the production, treatment, storage, handling, carriage, delivery or distribution of milk or cream intended for sale shall, when required by the Director-General, submit himself to physical examination by the Medical Officer of Health or such other medical practitioner as is appointed by the Director-General for that purpose.

Medical examination where required by Director-General.

70. When, as a result of an examination made in accordance with the last preceding sub-regulation, it has been ascertained that a person is a carrier of an infectious disease, or is suffering from a staphylococcal infection, the Director-General may by notice in writing to the person, direct that the person—

Action after medical examination.

(a) shall forthwith discontinue or refrain from—

(i) work connected with the production, treatment, storage, handling, delivery, carriage or distribution of milk or cream intended for sale; and

(ii) handling or dealing with any utensil, vehicle or receptacle in or on which milk or cream intended for sale, is kept, served, carried or delivered; and

(b) shall not resume or commence that work, handling or dealing until he receives from the Director-General permission in writing to do so.

71. Where—

(a) an animal at a dairy is diseased or believed by an authorized officer to be diseased;

(b) a person employed or residing on premises, being a dairy, factory or milk shop, is suffering, or believed by an authorized officer to be suffering, from an infectious disease; or

(c) there are reasonable grounds for suspecting that milk or cream from premises, being a dairy, factory or milk shop, is causing the spread of a disease,

Director-General may prohibit sale of milk or cream from dairy &c., in cases of disease.

the Director-General may, by notice in writing to the occupier of the premises, prohibit the sale of milk or cream from the premises until the notice is cancelled.

72. A person shall not allow his hands or any other part of his body to come into contact with milk or cream intended for sale.

Personal contact prohibited.

Spitting,
smoking, &c.,
prohibited.

73. A person shall not spit, smoke tobacco or any other substance, or chew tobacco—

- (a) while engaged in the production, treatment, handling, storage, carriage, distribution or delivery of milk or cream intended for sale; or
- (b) in any place used for the production, treatment, handling, storage, carriage, distribution or delivery of milk or cream intended for sale.

Soap, &c.,
not to be used
as temporary
stopping.

74. A person shall not use soap or other temporary stopping likely to contaminate milk or cream to stop a hole in a can or vessel used for containing milk or cream intended for sale.

Water, &c.,
not to be
carried on milk
vehicle.

75. Where a person is carrying on a vehicle milk or cream intended for sale or delivery to a customer, that person shall not carry on the vehicle water, separated or skim milk, reconstituted milk, reconstituted cream or any other fluid capable of being used for diluting milk or cream.

Bottles, &c.,
not to be left
exposed.

76. A milk vendor shall not leave or cause to be left a container containing milk or cream in or on a road, public highway, lane or place where the container may be exposed to heat or to interference or contamination by an animal or by dirt, dust, rain or other thing.

Other
substances not
to be placed in
milk bottles
or cream
bottles.

77. A person shall not use as a receptacle for a liquid, commodity or substance other than milk or cream any bottle on which is embossed the word "milk" or the word "cream".

Only factory
bottled milk
to be sold in
bottles.

78. A person shall not sell or deliver milk or cream in or into a bottle on which is embossed the word "milk" or the word "cream" unless the milk or cream—

- (a) has been bottled at a factory; and
- (b) is delivered to the customer in the sealed state in which it leaves that factory.

Tampering
with seal
prohibited.

79. A person, other than the consumer, shall not tamper with a disc, cap, seal or other device used for sealing a container containing milk or cream after it has been affixed to the container.

Seals, &c.,
not to be
carried.

80. A person shall not—

- (a) have in his possession while engaged in the distribution or delivery of milk or cream intended for sale; or
- (b) carry in or on a vehicle used in the distribution or delivery of milk or cream intended for sale,

a disc, cap or seal of a kind used for sealing containers, other than a disc, cap or seal which is in use on a container containing milk or cream.

Milk carried
and returned
not to be sold.

81. A person shall not sell milk or cream which has been carried over a milk round or part of a milk round and returned to a factory or milk shop.

82. A person shall not engage in the retail distribution of milk or cream in any vehicle except between the hours of eleven o'clock in the evening and half-past seven o'clock in the morning. Delivery hours.

83. A person shall not sell milk which has been pasteurized more than twenty-four hours before the time at which the sale takes place. Pasteurized milk to be sold fresh.

84.—(1.) The Director-General may, by notice published in the *Gazette*, determine— Delivery of milk to factory.

- (a) the hours during which milk may be received into a factory; and
- (b) the time which may elapse between the time when milk is taken from a dairy and the time when it is delivered to a factory.

(2.) While a determination under paragraph (a) of the last preceding sub-regulation is in force, the occupier of a factory shall not receive milk into the factory, and a person shall not deliver milk to a factory, at a time other than a time within the hours specified in the determination.

(3.) A person shall not deliver milk to a factory where the time that has elapsed since the milk was taken from the dairy is longer than the time specified in a determination in force under paragraph (b) of sub-regulation (1.) of this regulation.

85. A milk vendor carrying on business at registered premises shall not cleanse, wash, sterilize, keep or store a container or utensil used in his business except on those premises. Containers, &c., not to be kept, &c., on unregistered premises.

86. A person shall not, on a street or in a public place, transfer milk or cream to or from a bottle from or to another container. Milk not to be transferred from one container to another.

PART VII.—MISCELLANEOUS.

87. In this Part, unless the contrary intention appears— Definitions.

- “milk” includes a substance represented to be milk or containing milk; and
- “cream” includes a substance represented to be cream or containing cream.

88.—(1.) An authorized officer may— Powers of authorized officer.

- (a) at all reasonable times enter and inspect a dairy, factory or milk shop;
- (b) enter and inspect a vehicle used in the distribution, carriage or delivery of milk or cream intended for sale or for human consumption and inspect and examine any milk, cream or other substance, or any appliance or container in or on any such vehicle;
- (c) enter and inspect a place which he has reasonable ground for believing to be kept or used or intended to be used for the sale, storage, delivery, production, treatment, handling or preparation of milk or cream intended for sale or for human consumption and inspect and examine any milk, cream or other substance in or on any such place;

(d) in the exercise of his powers under paragraph (b) or (c) of this regulation—

- (i) examine, break the seal on and open any container;
- (ii) take away for examination or analysis samples of any milk, cream or other substance;
- (iii) weigh, measure or gauge any milk, cream or other substance or any container;
- (iv) count or mark any containers; and
- (v) fasten, secure or seal any milk, cream or other substance, any container or any door or opening;

(e) seize—

- (i) any milk, cream or substance which is or appears to him to be intended for human consumption but unfit for human consumption; and
- (ii) any container enclosing or containing that milk, cream or substance; and

(f) where he is satisfied that a container or other article cannot be properly cleansed or is not in accordance with these Regulations—seize and remove that container or other article.

(2.) An authorized officer may, for the purposes of these Regulations, require the proprietor of a factory, a dairyman or a milk vendor to produce to the authorized officer any books, documents or accounts relating to milk or cream, and may make copies of or extracts from any such books, documents or accounts.

**Procedure
where milk or
cream is seized.**

89.—(1.) Where milk or cream has been seized by an authorized officer in accordance with these Regulations, the milk or cream becomes the property of the Commonwealth and the owner of the milk or cream is entitled to recover the value of the milk or cream as damages against the Commonwealth if he satisfies the court in which the claim for damages is brought that the milk or cream was, at the time of the seizure, fit for human consumption, or was not intended for human consumption.

(2.) Proceedings for the recovery of damages under this regulation shall not be brought unless—

- (a) notice of intention to bring the proceedings is given to the authorized officer within seven days after the seizure; and
- (b) the proceedings are commenced within fourteen days after the seizure.

**Retention of
suspected milk
or cream.**

90. Where an authorized officer has the power to seize milk or cream under the provisions of regulation 88 of these Regulations, he may require the person in possession of the milk or cream to retain possession of it for not longer than twenty-four hours to permit a sample of that milk or cream to be examined.

**Procedure
where
container, &c.,
is seized.**

91. Where a container or article has been seized and removed by an authorized officer in accordance with these Regulations, the following provisions apply:—

- (a) the authorized officer shall notify the owner of the seizure and removal and of the reason for the seizure and removal;

(b) if the owner gives an assurance in writing within one month after the date of the notice specified in the last preceding paragraph that the container or article—

- (i) will be repaired or otherwise rendered suitable before it is used again for milk or cream; or
- (ii) will not be used again for milk or cream, the container or article may be returned to him;

(c) if, after the owner has given an assurance in accordance with the last preceding paragraph, the container or article is used again for milk or cream without being repaired or otherwise rendered suitable, an authorized officer may seize and destroy it; and

(d) if no assurance in accordance with paragraph (b) of this regulation is received within the time specified in that paragraph, an authorized officer may destroy the container or article.

92. Where an authorized officer takes a sample of milk or cream in accordance with these Regulations, he shall— Procedure with samples.

(a) immediately notify to a person being—

- (i) the owner;
- (ii) the owner's agent or servant; or
- (iii) a person in charge of the milk or cream, his intention of submitting the milk or cream for analysis;

(b) offer to provide the person so notified with a portion of a sample of the milk or cream; and

(c) subject to the next succeeding regulation—

- (i) divide each sample into two or more portions;
- (ii) then and there label or mark and seal with sealing wax the container containing each portion; and
- (iii) deliver one of the portions to the person so notified and submit one or more of the portions to an analyst or analysts.

93.—(1.) Where the owner of milk or cream, or his agent or servant, or a person in charge of milk or cream, being milk or cream which an authorized officer intends to submit for analysis, does not accept the offer of a sample of the milk or cream, the authorized officer shall submit a sample without division to an analyst and shall advise him that the sample is undivided. Special provisions concerning samples.

(2.) An analyst who receives an undivided sample shall—

- (a) divide it into two or more portions; and
- (b) seal with sealing wax the container containing one of the portions and cause it to be delivered to the authorized officer.

(3.) An authorized officer who receives a portion of a sample in accordance with the last preceding sub-regulation shall—

- (a) retain the portion; and
- (b) produce the portion if proceedings are afterwards taken in the matter.

(4.) Where the owner of milk or cream, or his agent or servant, or a person in charge of milk or cream, being milk or cream which an authorized officer intends to submit for analysis, prevents or attempts to prevent or otherwise obstructs the completion of the procedure prescribed by these Regulations, whether by departing from where the sample was taken or otherwise, the authorized officer may proceed as if the offer to provide a sample of the milk or cream had not been accepted.

Appointment
of analyst.

94. The Minister may appoint a person to be an analyst for the purpose of examining or analysing milk or cream in accordance with the provisions of these Regulations.

Analyst's
certificate.

95. An analyst who examines or analyses milk or cream submitted to him in accordance with the provisions of these Regulations shall give a certificate in accordance with Form 5 in the Schedule.

Certificate to
be evidence.

96. In proceedings under these Regulations, the production of a certificate in accordance with Form 5 purporting to be signed by an analyst appointed under these Regulations is evidence of the facts stated in the certificate, and that the findings of the analyst are correct.

Use of
analysis for
trade purposes
prohibited.

97. A person shall not use for trade purposes or advertisement an analysis made for the purpose of these Regulations.

Information to
be given.

98. A milk vendor, dairyman or person employed by a milk vendor or dairyman shall, when so required by an authorized officer, furnish such assistance, by information or otherwise, as the authorized officer reasonably requires for the purpose of carrying out the provisions of these Regulations.

Authorized
officers not to
be obstructed.

99. A person shall not—

- (a) assault, intimidate, obstruct or attempt to obstruct an authorized officer in the exercise of his powers or the discharge of his duties under these Regulations;
- (b) when required by an authorized officer for the purposes of these Regulations to state his name and place of abode—
 - (i) refuse to state his name and place of abode; or
 - (ii) state a false name or place of abode;
- (c) give, procure, offer or promise a bribe, recompense or reward to influence an authorized officer in the exercise of his powers, or the discharge of his duties under these Regulations;
- (d) retake or attempt to retake a substance or thing seized and taken under these Regulations; or
- (e) resist or attempt to prevent the seizure under these Regulations of a substance or thing.

Evidence.

100.—(1.) In a prosecution for an offence against these Regulations, evidence that milk or cream was in or upon a dairy, factory or milk shop or in or upon a vehicle or place used by a milk vendor is evidence that the milk or cream was intended to be sold for human consumption.

(2.) In a prosecution for an offence against these Regulations, a sale of milk or cream shall, unless the contrary is proved, be deemed to have been a sale for human consumption.

101.—(1.) A witness on behalf of the prosecution in proceedings under these Regulations shall not be compelled to disclose— Witnesses.

- (a) the fact that he received information;
- (b) the nature of any information he received; or
- (c) the name of a person who gave him information.

(2.) A person employed by the Commonwealth appearing as a witness shall not be compelled to produce a report made or received by himself or another person so employed confidentially in his official capacity or containing confidential information.

102. The provisions of the Public Health (Sale of Food and Drugs) Regulations apply to the sale of milk and cream except where they are inconsistent with these Regulations, in which case these Regulations shall prevail. Application of
Public Health
(Sale of Food
and Drugs)
Regulations.

103. Service of a notice, requirement, direction or order under these Regulations shall be deemed to have been duly effected if the notice, requirement, direction or order or a true copy of it has been— Service of
notice, &c.

- (a) delivered personally to the person to whom it is directed;
- (b) delivered to a person apparently over the age of sixteen years on, and apparently an occupant of, premises of which the person to whom it is directed is the occupier or an inmate;
- (c) affixed in a prominent position on the premises to which it relates; or
- (d) posted by prepaid registered post to the person to whom it is directed at his last known place of abode.

104. A person who—

- (a) contravenes or fails to comply with a provision of these Regulations;
- (b) contravenes or fails to comply with a requirement, prohibition, direction or order given or made under these Regulations; or
- (c) gives false information in a document furnished for the purposes of these Regulations or in answer to a question asked for those purposes,

Offences.

is guilty of an offence against these Regulations and is liable, upon conviction, to a penalty not exceeding Fifty pounds and, in addition, where the offence is a continuing offence, to a penalty not exceeding Five pounds for every day during which the offence continues.

105.—(1.) The Director-General may, either generally or in relation to a matter or class of matters, by writing under his hand, delegate any of his powers and functions under these Regulations (except this power of delegation). Delegation by
Director-
General.

(2.) A power or function so delegated may be exercised or performed by the delegate either generally or with respect to the matter, or to matters included in the class of matters, specified in the instrument of delegation, as the case may be.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Director-General.

THE SCHEDULE.

FORM 1.

Regulation 6.

AUSTRALIAN CAPITAL TERRITORY.

Public Health Ordinance 1928-1951.

PUBLIC HEALTH (DAIRY) REGULATIONS.

APPLICATION FOR LICENCE AND FOR REGISTRATION OF DAIRY, FACTORY OR MILK SHOP.

The Director-General of Health:

I, _____, hereby make application
for the registration of the dairy factory situated at _____ and
milk shop
for a licence as a dairyman and transmit herewith the sum of _____,
milk vendor
being the prescribed fee for the year ending the thirty-first day of December, 19 ____.

Signature

Date

FORM 2.

Regulation 6.

AUSTRALIAN CAPITAL TERRITORY.

Public Health Ordinance 1928-1951.

PUBLIC HEALTH (DAIRY) REGULATIONS.

LICENCE FOR DAIRYMAN OR MILK VENDOR.

This Licence authorizes _____ to carry on the
business of _____ under and subject to the provisions of
the *Public Health Ordinance 1928-1951*, and the Regulations under that Ordinance,
on and from the _____ day of _____, 19 ____, until
the 31st day of December, 19 ____, unless this Licence is sooner cancelled in accordance
with the provisions of the Regulations.

Date

Director-General of Health.

FORM 3.

Regulation 6.

AUSTRALIAN CAPITAL TERRITORY.
Public Health Ordinance 1928-1951.
PUBLIC HEALTH (DAIRY) REGULATIONS.

CERTIFICATE OF REGISTRATION OF DAIRY, FACTORY OR MILK SHOP.

I hereby certify that, in pursuance of the Public Health (Dairy) Regulations, the premises situated at _____ in the Australian Capital Territory and occupied by _____ have been registered as a dairy factory up to and including the 31st day of December, 19____, unless the registration is sooner cancelled in accordance with the provisions of the Regulations.

Dated this _____ day of _____, 19____.
Director-General of Health.

FORM 4.

Regulation 19.

AUSTRALIAN CAPITAL TERRITORY.
Public Health Ordinance 1928-1951.
PUBLIC HEALTH (DAIRY) REGULATIONS.

APPLICATION FOR REGISTRATION OF A DAIRY COW OR DAIRY HERD.
The Director-General of Health.

I _____ of _____ hereby apply for the registration of my dairy cow herd depastured at _____.

In connexion with this application, I submit the following information which is true in every particular:—

Animals in respect of which application made.	Number which have—		Total.
	Been treated with tuberculin.	Not been treated with tuberculin.	
Cows			
Bulls			
Calves			

The dairy cow herd is/is not used to produce milk or cream for sale for human consumption.

Dated this _____ day of _____, 19____.
(Signature of Applicant.)

FORM 5.

Regulation 95.

AUSTRALIAN CAPITAL TERRITORY.
PUBLIC HEALTH (DAIRY) REGULATIONS.
ANALYST'S CERTIFICATE.

I, _____, an Analyst duly appointed under the provisions of the Public Health (Dairy) Regulations, hereby certify that the sample of _____ marked _____ received by me on the _____ day of _____ 19____, was properly sealed.

I further certify that I have examined or analysed the said sample and my findings were as follows:—

ANALYST'S REGISTER NO.

Analysis.				Method.	Result.
Specific gravity		
Fat content		
Total solids		
Non-fatty solids		
Added water		
Further Investigations:			

Dated the

day of

19 .

Analyst.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.