

Regulations 1975 No. 17

Regulations under the *Public Health Ordinance 1928-1975*.*

I, DOUGLAS NIXON EVERINGHAM, the Minister of State for Health, hereby make the following Regulations under the *Public Health Ordinance 1928-1975*.

Dated this first day of September, 1975.

D. EVERINGHAM
Minister of State for Health.

AMENDMENTS OF THE PUBLIC HEALTH (DAIRY) REGULATIONS†

1. These Regulations shall come into operation on 6 September 1975. Commence-
ment.
2. Regulation 3 of the Public Health (Dairy) Regulations is repealed. Repeal.
3. Regulation 4 of the Public Health (Dairy) Regulations is amended— Inter-
pretation.
 - (a) by inserting in sub-regulation (1), after the definition of “approved”, the following definition:—

“ ‘Australian Standard 1095’ means the publication issued by the Standards Association of Australia and entitled ‘Australian Standard 1095—Methods of Microbiological Examination of Dairy Products and for Dairy Purposes’;”;
 - (b) by omitting from sub-regulation (1) the definition of “cream” and substituting the following definition:—

“ ‘cream’ means that portion of milk in which milk-fat is so concentrated that a given mass of that portion of milk contains not less than 35 parts per centum by mass of milk-fat;”;
 - (c) by omitting from the definition of “cream mixture” the word “volume” and substituting the word “mass”;
 - (d) by inserting in sub-regulation (1), after the definition of “infectious disease”, the following definitions:—

“ ‘light cream’ means that portion of milk in which milk-fat is so concentrated that a given mass of that portion of milk contains not less than 18 parts per centum, and not more than 25 parts per centum, by mass of milk-fat;

“ ‘milk’ means cow’s milk in liquid or frozen form;”;

* Notified in the *Australian Government Gazette* on 5 September 1975.

† Regulations 1957, No. 5, as amended by Regulations 1959, No. 2; 1961, No. 7; 1963, No. 5; 1964, No. 8; 1968, No. 5; 1970, No. 12; and 1972, Nos. 1 and 10.

- (e) by omitting the definitions of "milk retailer", "milk vendor" and "milk wholesaler" and substituting the following definitions:—

"'milk retailer' means a person, other than a milk vendor, who carries on the business of selling milk by retail;

"'milk vendor' means a person who holds a Vendor's Permit or a Vendor's Licence under the *Milk Authority Ordinance 1971-1975*;

"'milk wholesaler' means a person who carries on the business of selling milk by wholesale;"

- (f) by inserting in sub-regulation (1), after the definition of "reconstituted cream", the following definition:—

"'reduced cream' means that portion of milk in which milk-fat is so concentrated that a given mass of that portion of milk contains not less than 25 parts per centum, and not more than 35 parts per centum, by mass of milk-fat;" and

- (g) by adding at the end thereof the following sub-regulations:—

"(4) These Regulations apply in relation to reduced cream and light cream as they apply in relation to cream.

"(5) For the purposes of these Regulations, a substance does not cease to be milk by reason only that a substance has been added to the first-mentioned substance."

Milk standard.

4. Regulation 10 of the Public Health (Dairy) Regulations is amended—

- (a) by omitting sub-regulation (5) and substituting the following sub-regulations:—

"(5) Raw milk shall have a colony count not exceeding 150,000 per millilitre and a coliform count not exceeding 100 per millilitre.

"(5A) The colony count and coliform count of milk shall be ascertained by means of the pour plate methods in accordance with Australian Standard 1095."

- (b) by omitting from sub-regulation (6) the word "Milk" and substituting the words "Raw milk"; and

- (c) by omitting sub-regulation (7) and substituting the following sub-regulation:—

"(7) Raw milk shall have a thermophilic bacteria count not exceeding 30,000 micro-organisms per millilitre as ascertained by means of a thermophilic bacteria count test carried out in accordance with Australian Standard 1095."

Pasteurized
milk stand. rd.

5. Regulation 11 of the Public Health (Dairy) Regulations is amended by omitting sub-regulation (3) and substituting the following sub-regulation:—

"(3) When subjected to a phosphatase test carried out in accordance with Australian Standard 1095, pasteurized milk shall give a result not exceeding 10 micrograms of para-nitro-phenol."

6. (1) Regulation 13 of the Public Health (Dairy) Regulations is amended by omitting sub-regulations (2), (3) and (4) and substituting the following sub-regulations:—

Cream
standard.

“(2) Subject to sub-regulation (3), cream, reconstituted cream, thickened cream, prepared cream and cream mixture shall not contain preservative or any foreign substance.

“(3) Notwithstanding sub-regulation (2)—

(a) thickened cream or cream mixture does not fail to comply with the standard required by these Regulations by reason only that it contains—

- (i) sugar;
- (ii) succrate of lime;
- (iii) a preparation of rennin; or
- (iv) not more than one part per centum by mass of gelatine or another approved stabilizing substance; and

(b) whipped cream does not fail to comply with the standard required by 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 35 parts per centum by mass of milk fat.”.

(2) Regulation 13 of the Public Health (Dairy) Regulations is amended by omitting sub-regulations (7) and (8) and substituting the following sub-regulations:—

“(7) Cream and cream products (other than ultra-heat-treated cream, sour cream or unpasteurized cream) shall have a colony count not exceeding 50,000 per millilitre and a coliform count not exceeding 10 per millilitre.

“(8) The colony count and coliform count of cream and cream products shall be ascertained by means of the pour plate methods in accordance with Australian Standard 1095.

“(9) Cream shall not contain more than .002 international unit of penicillin per millilitre as ascertained by means of the disc assay method in accordance with Australian Standard 1095.

“(10) When subjected to a phosphatase test carried out in accordance with Australian Standard 1095, pasteurized cream shall give a result not exceeding 10 micrograms of para-nitro-phenol.”.

7. The following regulation is inserted in Part III of the Public Health (Dairy) Regulations after regulation 18:—

“18A. (1) In this regulation, ‘cream’ includes reconstituted cream, thickened cream, prepared cream and cream mixture.

Importation
of cream into
the Territory.

“(2) A person shall not bring cream into the Territory for sale in the Territory for human consumption unless the cream has been prepared on premises registered under the law of a State or Territory relating to the registration of premises used for the processing or handling of milk or cream.

Penalty: \$200.

“(3) A person shall not bring cream into the Territory for sale in the Territory for human consumption unless—

- (a) the vehicle in which the cream is transported to the Territory complies with sub-regulation (4); and
- (b) the vehicle is clean and in good repair.

Penalty: \$200.

“(4) A vehicle complies with this sub-regulation if the vehicle—

- (a) is capable of being effectively and readily cleaned;
- (b) is so constructed and maintained as to protect cream carried in the vehicle from dust, flies, other insects and any other thing that might render the cream unwholesome or injurious to health; and
- (c) is so constructed or equipped that the temperature of cream carried in the vehicle does not exceed 4 degrees Celsius.

“(5) For the purposes of this regulation, cream brought into the Territory shall be taken to be brought into the Territory for sale in the Territory for human consumption unless the contrary is proved.”.

Prohibition of sale of certain milk or cream.

8. Regulation 63 of the Public Health (Dairy) Regulations is amended by omitting all words to and including the figures “1971” and substituting the words “A person”.

Formal amendments.

9. The Public Health (Dairy) Regulations are further amended as set out in the Schedule.

Saving.

10. A licence or certificate granted or given under the Public Health (Dairy) Regulations as in force immediately before 6 September 1975 has, on and after that date, the same force and effect as if—

- (a) these Regulations had been in force when the licence or certificate was granted or given; and
- (b) the licence or certificate had been granted or given under the Public Health (Dairy) Regulations as amended by these Regulations.

SCHEDULE

Regulation 9

Provision amended	Omit—	Insert—
Sub-regulation 4 (1), the definition of "approved"	Director-General (wherever occurring)	Commissioner
Sub-regulation 4 (1), the definition of "authorized officer"	Director-General	Commissioner
Sub-regulation 6 (2) ..	Director-General	Commissioner
Sub-regulation 6 (3) ..	Director-General	Commissioner
Sub-regulation 6 (4) ..	Director-General	Commissioner
Sub-regulation 6 (5) ..	Director-General	Commissioner
Sub-regulation 7 (1) ..	Director-General	Commissioner
Sub-regulation 7 (2) ..	Director-General	Commissioner
Regulation 18 ..	Director-General	Commissioner
Sub-regulation 19 (1) ..	Director-General	Commissioner
Sub-regulation 19 (3) ..	Director-General	Commissioner
Sub-regulation 19 (4) ..	Director-General (wherever occurring)	Commissioner
Regulation 24 ..	Director-General	Commissioner
Sub-regulation 38 (1) ..	Director-General	Commissioner
Sub-regulation 40 (7) ..	Director-General (wherever occurring)	Commissioner
Sub-regulation 40 (9) ..	Director-General (wherever occurring)	Commissioner
Sub-regulation 47 (1) ..	Director-General	Commissioner
Sub-regulation 55 (3) ..	Director-General	Commissioner
Regulation 59 ..	Director-General	Commissioner
Sub-regulation 60 (1) ..	Director-General (wherever occurring)	Commissioner
Regulation 65 ..	Director-General	Commissioner
Regulation 66 ..	Director-General (wherever occurring)	Commissioner
Sub-regulation 67 (2) ..	Director-General	Commissioner
Regulation 69 ..	Director-General (wherever occurring)	Commissioner
Regulation 70 ..	Director-General (wherever occurring)	Commissioner
Regulation 71 ..	Director-General	Commissioner
Sub-regulation 86A (2) ..	Director-General	Commissioner
Sub-regulation 105 (1) ..	Director-General	Commissioner
Sub-regulation 105 (3) ..	Director-General	Commissioner
The Schedule, Form 1 ..	The Director-General of Health	The Commissioner, Capital Territory Health Commission
The Schedule, Form 2 ..	Director-General of Health	Commissioner, Capital Territory Health Commission
The Schedule, Form 3 ..	Director-General of Health	Commissioner, Capital Territory Health Commission
The Schedule, Form 4 ..	The Director-General of Health	The Commissioner, Capital Territory Health Commission