

Regulations 1978 No. 20

Regulations under the *Public Health Ordinance 1928**

I, RALPH JAMES DUNNET HUNT, the Minister of State for Health, hereby make the following Regulations under the *Public Health Ordinance 1928*.

Dated this ninth day of December 1978.

RALPH J. HUNT
Minister of State for Health

AMENDMENTS OF THE PUBLIC HEALTH (DAIRY) REGULATIONS†

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

(a) by inserting in sub-regulation (1), after the definition of “cream mixture”, the following definition:

“‘cream products’ means cream mixture, thickened cream, prepared cream and reconstituted cream;”

(b) by inserting in sub-regulation (1), after the definition of “factory”, the following definition:

“‘flavoured milk’ means milk to which has been added a flavouring substance, whether with or without the addition of any of the following substances:

- (a) sugar;
- (b) colouring matter;
- (c) mono-glycerides or di-glycerides of fat-forming fatty acids;
- (d) alginates;
- (e) gelatine;”

(c) by inserting in sub-regulation (1), after the definition of “light cream”, the following definition:

“‘low fat milk’ means milk which contains not less than 1.5 parts per cent by mass of milk-fat and not more than 2.5 parts per cent by mass of milk-fat;”

* Notified in the *Commonwealth of Australia Gazette* on 19 December 1978.

† 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; 1972 Nos. 1 and 10; 1975 Nos. 15 and 17; and 1976 No. 24.

- (d) by omitting "selling milk" from the definition of "milk retailer" in sub-regulation (1) and substituting "selling milk, cream or cream products";
- (e) by omitting "selling milk" from the definition of "milk wholesaler" in sub-regulation (1) and substituting "selling milk, cream or cream products";
- (f) by omitting from sub-regulation (1) the definition of "pasteurized milk" and substituting the following definition:
 - " 'pasteurized milk' means milk which complies with the requirements of regulation 11;"; and
- (g) by inserting in sub-regulation (1) after the definition of "sell" the following definition:
 - " 'skim milk' means milk which contains not more than .15 of a part per cent by mass of milk-fat;".

Raw milk
standard

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

- (a) by omitting sub-regulation (1);
- (b) by omitting from sub-regulation (2) "Milk" and substituting "Raw milk";
- (c) by omitting sub-regulation (3) and substituting the following sub-regulation:
 - " (3) Raw milk shall contain not less than 8.5 parts per cent by mass of milk solids, other than milk-fat, and not less than 3.5 parts per cent by mass of milk-fat.";
- (d) by omitting sub-regulation (4) and substituting the following sub-regulation:
 - " (4) The freezing point of raw milk shall lie at or below 0.535 of a degree below zero Celsius.".
- (e) by inserting after sub-regulation (4) the following sub-regulation:
 - " (4A) Raw milk shall not contain more than .002 of an international unit of penicillin per millilitre as ascertained by means of the disc assay method in accordance with Australian Standard 1095.";
- (f) by omitting from sub-regulation (5A) the word "milk" and substituting the words "raw milk"; and
- (g) by omitting sub-regulation (6).

3. Regulation 11 of the Public Health (Dairy) Regulations is repealed and the following regulation substituted:

“ 11. (1) Pasteurized milk shall contain not less than 8.5 parts per cent by mass of milk solids, other than milk-fat, and not less than 3.5 parts per cent by mass of milk-fat. Pasteurized
milk
standard

“ (2) The freezing point of pasteurized milk shall lie at or below 0.535 of a degree below zero Celsius.

“ (3) Pasteurized milk shall be made from raw milk that complies with the requirements of sub-regulations (2), (3), (4), (4A), (5) and (7) of regulation 10.

“ (4) Pasteurized milk shall be pasteurized by—

(a) heating the milk to a temperature of not less than 72 degrees Celsius and not more than 87 degrees Celsius and, after keeping it at that temperature for not less than 15 seconds, rapidly reducing it to a temperature below 4 degrees Celsius; or

(b) heating the milk once only to a temperature of not less than 61 degrees Celsius and not more than 64 degrees Celsius and, after keeping it at that temperature for not less than 30 minutes, rapidly reducing it to a temperature below 4 degrees Celsius.

“ (5) 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) Pasteurized milk shall have a colony count not exceeding 50,000 per millilitre and a coliform count not exceeding 5 per millilitre.

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

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

4. Regulation 12 of the Public Health (Dairy) Regulations is repealed and the following regulations substituted:

“ 12. (1) Skim milk shall contain not less than 8.8 parts per cent by mass of milk solids, other than milk-fat. Skim milk
standard

“ (2) Skim milk shall be made from raw milk that complies with the requirements of sub-regulations (2), (4), (4A), (5) and (7) of regulation 10.

“ (3) Skim milk shall be pasteurized by a method specified in sub-regulation 11 (4) and shall comply with the requirements of sub-regulations (5), (6) and (8) of regulation 11 as if it were pasteurized milk.

Low fat milk
standard

“ 12A. (1) Low fat milk shall contain not less than 8.6 parts per cent by mass of milk solids, other than milk-fat.

“ (2) Low fat milk shall be made from raw milk that complies with the requirements of sub-regulations (2), (4), (4A), (5) and (7) of regulation 10.

“ (3) Low fat milk shall be pasteurized by a method specified in sub-regulation 11 (4) and shall comply with the requirements of sub-regulations (5), (6) and (8) of regulation 11 as if it were pasteurized milk.

Flavoured
milk
standard

“ 12B. (1) Flavoured milk shall contain—

- (a) not less than 8 parts per cent by mass of milk solids, other than milk-fat; and
- (b) not less than 3 parts per cent by mass of milk-fat.

“ (2) Flavoured milk—

- (a) shall be made from pasteurized milk;
- (b) shall not contain any harmful flavouring or colouring substance; and
- (c) shall comply with the requirements of sub-regulations (5), (6) and (8) of regulation 11 as if it were pasteurized milk.”.

Cream
standard

5. Regulation 13 of the Public Health (Dairy) Regulations is amended—

- (a) by omitting sub-regulation (1);
- (b) by omitting from sub-regulation (2) “ cream, reconstituted cream, thickened cream, prepared cream and cream mixture ” and substituting “ cream and cream products ”;
- (c) by omitting sub-regulation (3) and substituting the following sub-regulation:

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

(a) cream mixture may contain—

- (i) sugar; and
- (ii) not more than 1 part per cent by mass of gelatine or other approved stabilizing substance;

(b) thickened cream may contain—

- (i) succrate of lime;
- (ii) gelatine;
- (iii) sodium alginate; and
- (iv) any preparation of rennin; and

- (c) whipped cream may contain traces of nitrous oxide gas used in its preparation.”;
- (d) by omitting sub-regulations (5) and (6) and substituting the following sub-regulations:

“ (5) Cream and cream products shall not have a pH value exceeding 7 and the proportion of free and combined lactic acid shall not be greater than 50 milligrams per kilogram.

“ (6) Cream and cream products shall be made from raw milk that complies with the requirements of sub-regulations (2), (4), (4A), (5) and (7) of regulation 10.

“ (6A) Cream and cream products shall be pasteurized by a method specified in sub-regulation 11 (4).”;

- (e) by omitting from sub-regulation (7) “ (other than ultra-heat-treated cream, sour cream or unpasteurized cream) ”;
- (f) by omitting from sub-regulation (9) “ Cream ” and substituting “ Cream and cream products ”; and
- (g) by omitting from sub-regulation (10) “ pasteurized cream ” and substituting “ cream and cream products ”.

6. Regulation 14 of the Public Health (Dairy) Regulations is amended— Labelling of milk containers

- (a) by omitting paragraph (b) and substituting the following paragraph:

“ (b) unless there are legibly embossed or printed on the container, in letters not less than 4 millimetres in height—

(i) the words ‘ Pasteurized Milk ’; and

(ii) a statement of the quantity, by fluid measure, of pasteurized milk in the container;”; and

- (b) by omitting from paragraph (d) “ in eight point lettering a figure or figures ” and substituting “ a figure or figures not less than 3 millimetres in height ”.

7. Regulation 15 of the Public Health (Dairy) Regulations is repealed and the following regulations substituted:

- “ 15. A person shall not sell skim milk in a container unless— Labelling of skim milk containers
- (a) the container has been sealed, in accordance with regulation 54, and the seal is intact;

- (b) there are legibly embossed or printed on the container—
 - (i) in letters not less than 18 millimetres in height, the words ‘Skim Milk’; and
 - (ii) in letters not less than 4 millimetres in height, a statement of the quantity, by fluid measure, of skim milk in the container;
- (c) there are legibly embossed or printed on the container, immediately below the words ‘Skim Milk’ printed on the container in accordance with paragraph (b), in letters not less than 4 millimetres in height, the words ‘Unsuitable for infants except under medical advice’;
- (d) there is, if the container is a carton, on the carton or, if the container is a bottle, on the disc, cap or other device used to seal the bottle, legibly embossed or printed the name of the person on whose premises the skim milk contained in the carton or bottle was pasteurized; and
- (e) there is, if the container is a carton, on the carton or, if the container is a bottle, on the disc, cap or other device used to seal the bottle, legibly embossed a figure or figures not less than 3 millimetres in height indicating the day of the month of the year on which the skim milk was pasteurized.

Labelling of
low fat milk
containers

- “ 15A. A person shall not sell low fat milk in a container unless—
- (a) the container has been sealed, in accordance with regulation 54, and the seal is intact;
 - (b) there are legibly embossed or printed, immediately below the trade name, wherever appearing on the container, in letters not less than 4 millimetres in height the words ‘Low Fat Milk’;
 - (c) there are legibly embossed or printed on the container, in letters not less than 4 millimetres in height a statement of the quantity, by fluid measure, of low fat milk in the container;
 - (d) there is, if the container is a carton, on the carton or, if the container is a bottle, on the disc, cap or other device used to seal the bottle, legibly embossed or printed the name of the person on whose premises the low fat milk contained in the carton or bottle was pasteurized; and
 - (e) there is, if the container is a carton, on the carton or, if the container is a bottle, on the disc, cap or other device used to seal the bottle, legibly embossed a figure or figures not less than 3 millimetres in height indicating the day of the month of the year on which the low fat milk was pasteurized.

- “ 15B. A person shall not sell flavoured milk in a container unless—
- (a) the container has been sealed, in accordance with regulation 54, and the seal is intact;
 - (b) there are legibly embossed or printed on the container, immediately before or following the description of the flavour, in letters not less than 4 millimetres in height the words ‘ Flavoured Milk ’;
 - (c) there are legibly embossed or printed on the container, in letters not less than 4 millimetres in height a statement of the quantity, by fluid measure, of flavoured milk in the container;
 - (d) there is, if the container is a carton, on the carton or, if the container is a bottle, on the disc, cap or other device used to seal the bottle, legibly embossed or printed the name of the person on whose premises the flavoured milk contained in the carton or bottle was pasteurized; and
 - (e) there is, if the container is a carton, on the carton or, if the container is a bottle, on the disc, cap or other device used to seal the bottle, legibly embossed a figure or figures not less than 3 millimetres in height indicating the day of the month of the year on which the flavoured milk was pasteurized.”

Labelling of
flavoured
milk
containers

8. Regulation 16 of the Public Health (Dairy) Regulations is amended—

Labelling
of cream
containers

- (a) by omitting from sub-regulation (1) “ in eight point lettering, a figure or figures ” and substituting “ a figure or figures not less than 3 millimetres in height ”;
- (b) by omitting from sub-regulation (1) “ of not less than twelve points face measurement ” and substituting “ not less than 4 millimetres in height ”; and
- (c) by omitting paragraph (1) (b) and substituting the following paragraph:
 - “ (b) words, or words and figures, stating the number of parts per cent by mass of milk-fat in the contents;”.

9. Regulation 17 of the Public Health (Dairy) Regulations is amended by omitting from sub-regulation (1) “ of not less than eight points face measurement ” and substituting “ not less than 3 millimetres in height ”.

Labelling
and sale
of cream
mixture

10. Regulation 18 of the Public Health (Dairy) Regulations is amended—

- (a) by omitting “ of not less than a particular face measurement ” and substituting “ not less than a particular height ”;

Size of
lettering
on small
containers

Public Health (Dairy) Regulations

- (b) by omitting “of not less than that measurement” and substituting “not less than that height”; and
- (c) by omitting “six points face measurement” and substituting “1.5 millimetres in height”.

11. Before regulation 28 of the Public Health (Dairy) Regulations the following regulation is inserted in Part V:

Definition

“27A. In this Part, cream includes cream products.”

12. Before regulation 50 of the Public Health (Dairy) Regulations the following regulation is inserted in Part VI:

Definition

“49A. In this Part, cream includes cream products.”

Rejection of certain milk or cream delivered to factory

13. Regulation 58 of the Public Health (Dairy) Regulations is amended by omitting paragraphs (b) and (c).

Prohibition of sale of certain milk and cream

14. Regulation 63 of the Public Health (Dairy) Regulations is amended—

- (a) by omitting from paragraph (h) “standards prescribed” and substituting “requirements”;
- (b) by omitting from paragraph (h) “and”;
- (c) by adding at the end thereof the following word and paragraph:

“; or (j) subject to sub-regulation (2), has not been pasteurized by a method specified in sub-regulation 11 (4).”; and

- (d) by adding at the end thereof the following sub-regulation:

“ (2) A person—

- (a) who is, for the time being, authorized by notice in writing by the Chairman to sell milk, cream or cream products that have not been pasteurized; and
- (b) who sells milk, cream or cream products in accordance with the conditions (if any) specified in the notice,

does not commit an offence under sub-regulation (1) by reason only that the milk, cream or cream products have not been pasteurized.”

Repeal

15. Part VIA of the Public Health (Dairy) Regulations is repealed.

Formal amendments

16. (1) Each of the provisions of the Public Health (Dairy) Regulations specified in Part I of the Schedule is amended by omitting “Commissioner” (wherever occurring) and substituting “Chairman”.

(2) The Public Health (Dairy) Regulations are further amended as set out in Part II of the Schedule.

SCHEDULE

Regulation 16

PART I

Sub-regulations 6 (2), 6 (3), 6 (4), 6 (5), 7 (1) and 7 (2), regulation 18, sub-regulations 19 (1), 19 (3) and 19 (4), regulation 24, sub-regulations 38 (1), 40 (7), 40 (9), 47 (1) and 55 (3), regulation 59, sub-regulation 60 (1), regulations 65 and 66, sub-regulation 67 (2), regulations 69, 70 and 71, sub-regulations 86A (2), 105 (1) and 105 (3).

PART II

Provisions amended	Amendment
Sub-regulation 4 (1), the definition of " approved "	Omit " Commissioner " (wherever occurring), substitute " Chairman "
Sub-regulation 4 (1), the definition of " authorized officer "	Omit " Commissioner ", substitute " Chairman "
The Schedule, Form 1	Omit " The Commissioner ", substitute " The Chairman "
The Schedule, Form 2	Omit " Commissioner ", substitute " Chairman "
The Schedule, Form 3	Omit " Commissioner ", substitute " Chairman "
The Schedule, Form 4	Omit " The Commissioner ", substitute " The Chairman ".
