



Australian Capital Territory

Public Health (Dairy) Regulations¹ (Amendment)

Subordinate Law No. 8 of 1993²

The Australian Capital Territory Executive makes the following Regulations under the *Public Health Act 1928*.

Dated 1 March 1993.

WAYNE BERRY
Minister

BILL WOOD
Minister

Principal Regulations

1. In these Regulations, “Principal Regulations” means the Public Health (Dairy) Regulations.

Commencement

2. These Regulations commence on the day on which the provisions of the *Food Act 1992* (other than sections 1 and 2) commence.

Interpretation

3. Regulation 4 of the Principal Regulations is amended—
- (a) by omitting from the definition of “milk vendor” in subregulation (1) “-1975”;
 - (b) by omitting from subregulation (1) the definitions of “cream” and “sell” and substituting the following definitions:
 - “ ‘cream’ means the portion of the milk that rises to the surface when milk is at rest or in which the greater part of the milk fat has been concentrated by mechanical separation;
 - ‘sell’ has the same meaning as in the *Food Act 1992*.”;
 - (c) by omitting from subregulation (1) the definitions of “cream mixture”, “cream products”, “flavoured milk”, “goat milk”, “light cream”, “low fat milk”, “milk”, “pasteurized goat milk”, “pasteurized milk”, “prepared cream”, “reconstituted cream”, “reduced cream”, “skim milk” and “thickened cream”; and
 - (d) by omitting from subregulation (3) “or sale”.

Repeal

4. Regulations 10 to 13 (inclusive) of the Principal Regulations are repealed.

Substitution

5. Regulation 14 of the Principal Regulations is repealed and the following regulation substituted:

Labelling of containers

“14. A person shall not sell milk or liquid milk products in a container unless the container has been sealed in accordance with regulation 54 and the seal is intact.”.

Repeal

6. Regulations 15 to 18 (inclusive) of the Principal Regulations are repealed.

Importation of cream into the Territory

7. Regulation 18A of the Principal Regulations is amended by omitting subregulation (1).

Repeal

8. Regulation 38 of the Principal Regulations is repealed.

Factory applicances for pasteurization

9. Regulation 44 of the Principal Regulations is amended by omitting from paragraph (a) “by a method specified in these Regulations”.

Rejection of certain milk or cream delivered to factory

10. Regulation 58 of the Principal Regulations is amended—

- (a) by adding at the end of subparagraph (d) (i) “or”; and
- (b) by omitting subparagraph (d) (iii).

Prohibition of sale of certain milk and cream

11. Regulation 63 of the Principal Regulations is amended—

- (a) by omitting from paragraph (1) (f) “, or contains a preservative”;
- (b) by adding at the end of paragraph (1) (h) “or”;
- (c) by omitting from paragraph (1) (i) “or”; and
- (d) by omitting paragraph (1) (j).

Repeal

12. Regulation 77 of the Principal Regulations is repealed.

Service of notice etc.

13. Regulation 103 of the Principal Regulations is amended by omitting from paragraph (d) “registered”.

Further amendments

14. The Principal Regulations are amended as set out in the Schedule.

SCHEDULE

Regulation 14

FURTHER AMENDMENTS

Subregulation 2 (2)—

Omit “the last preceding subregulation”, substitute “subregulation (1)”.

Paragraphs 5 (1) (a) and (c)—

Omit “he”, substitute “the person”.

Subregulation 6 (1)—

Omit “the last preceding regulation”, substitute “regulation 5”.

Subregulation 6 (6)—

Omit “the thirty-first day of”, substitute “31”.

SCHEDULE—continued**Subregulation 7 (2)**—

Insert “or she” after “he” (wherever occurring).

Subregulation 8 (2)—

Insert “or she” after “he” (wherever occurring).

Subregulation 8 (3)—

- (a) Omit “the last preceding subregulation”, substitute “subregulation (2)”.
- (b) Insert “or she” after “he” (wherever occurring).
- (c) Insert “or her” after “his”.

Subregulation 19 (6)—

Omit “the thirty-first day of”, substitute “31”.

Paragraph 19 (8) (c)—

- (a) Omit “he”, substitute “the person”.
- (b) Omit “him”, substitute “the person”.

Regulation 22—

- (a) Omit “(1) of the last preceding regulation”, substitute “21 (1)”.
- (b) Omit “he”, substitute “the Minister”.
- (c) Omit “the last preceding regulation” (second and third occurring), substitute “regulation 21”.

Regulation 24—

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his”.

Subregulation 25 (1)—

Omit “he”, substitute “the officer”.

Paragraph 26 (a)—

- (a) Omit “his”, substitute “the”.
- (b) Omit “him”, substitute “the owner”.

Paragraph 26 (b)—

- (a) Omit “him”.
- (b) Omit “the preceding paragraph”, substitute “paragraph (a)”.

SCHEDULE—continued

Paragraph 26 (c)—

- (a) Omit “him”, substitute “the officer”.
- (b) Omit “his”, substitute “the”.

Paragraph 27 (1) (a)—

Omit “his”, substitute “the”.

Subregulation 27 (2)—

Omit “he”, substitute “the officer”.

Paragraphs 29 (2) (a) and (b)—

Omit “his”, substitute “the”.

Paragraph 30 (a)—

Insert “or her” after “his”.

Paragraphs 30 (b) and (c)—

Omit “his”, substitute “the”.

Paragraph 30 (d)—

- (a) Insert “or her” after “him”.
- (b) Omit “his”, substitute “the”.

Paragraph 30 (e)—

Omit “his”, substitute “the”.

Paragraph 31 (a)—

- (a) Omit “his”, substitute “the”.
- (b) Insert “or her” after “him”.

Paragraphs 31 (b) and (c)—

Omit “his” (wherever occurring), substitute “the”.

Subregulation 32 (2)—

Omit “his”, substitute “the”.

Regulations 33 and 34—

Omit “his”, substitute “the”.

Paragraph 35 (a)—

Omit “his” (wherever occurring), substitute “the”.

SCHEDULE—continued**Subregulation 36 (1)**—

Omit “his”, substitute “the”.

Paragraph 36 (2) (a)—

Omit “the last preceding subregulation”, substitute “subregulation (1)”.

Paragraph 36 (2) (b)—

Insert “or her” after “him”.

Subregulation 37 (1)—

Omit “by him”.

Subregulation 37 (2)—

(a) Insert “or her” after “his”.

(b) Omit “by him”.

Subregulation 37 (3)—

Insert “or her” after “him” (wherever occurring).

Paragraph 37 (3) (a)—

(a) Insert “or she” after “he”.

(b) Insert “or her” after “his”.

Subregulation 37 (4)—

Insert “or her” after “him” (wherever occurring).

Paragraph 37 (4) (b)—

Insert “or she” after “he” (wherever occurring).

Paragraphs 39 (a), (b) and (c)—

Insert “or her” after “his” (wherever occurring).

Paragraphs 39 (d), (e), (f) and (g)—

Omit “his” (wherever occurring), substitute “the”.

Subregulation 41 (1)—

Insert “or her” after “his”.

Paragraph 42 (a)—

Insert “or her” after “his”.

SCHEDULE—continued

Subparagraph 44 (d) (v)—

Omit “a” (first occurring), substitute “an”.

Paragraph 44A (2) (a)—

Omit “the last preceding subregulation”, insert “subregulation (1)”.

Paragraph 50 (c)—

Omit “the last preceding paragraph”, substitute “paragraph (b)”.

Subregulation 51 (1)—

Omit “the next succeeding regulation”, substitute “regulation 51A”.

Paragraph 51 (1) (b)—

Omit “the next succeeding subregulation”, substitute “subregulation (2)”.

Subparagraph 51 (1) (d) (i)—

Omit “by him”.

Subregulation 51 (2)—

Omit “(ii) of paragraph (b) of the last preceding subregulation”, substitute “(1) (b) (ii)”.

Subregulation 51A (1)—

Omit “the last preceding regulation”, substitute “regulation 51”.

Paragraph 53 (b)—

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

Subregulation 55 (3)—

Omit “either of the last two preceding subregulations”, substitute “subregulation (1) or (2)”.

Subregulation 55 (4)—

Insert “or her” after “his”.

Subparagraph 58 (d) (i)—

Omit “him”, substitute “the occupier”.

Subparagraph 58 (e) (ii)—

Omit “of this regulation”.

SCHEDULE—continued**Subregulation 60 (2)**—

Omit “the last preceding subregulation”, substitute “subregulation (1)”.

Paragraph 64 (a)—

Omit “venereal”, substitute “sexually transmitted”.

Regulation 65—

Omit “he”, substitute “the person”.

Regulation 66—

Insert “or her” after “his”.

Subregulation 67 (2)—

Omit “the last preceding subregulation”, substitute “subregulation (1)”.

Regulation 68—

Insert “or she” after “he”.

Regulation 69—

Insert “or herself” after “himself”.

Regulation 70—

Omit “the last preceding subregulation”, substitute “ regulation 69”.

Paragraph 70 (b)—

Insert “or she” after “he”.

Regulation 72—

Insert “or her” after “his” (wherever occurring).

Paragraph 78 (1) (a)—

Omit “his”, substitute “a”.

Paragraph 80 (a)—

Insert “or her” after “his”.

Subregulation 82 (3)—

Insert “or her” after “his” (wherever occurring).

Subregulation 83 (2)—

(a) Omit “by him and”.

(b) Omit “by him”.

SCHEDULE—continued

Regulation 85—

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his”.

Paragraph 88 (1) (c)—

Omit “he”, substitute “the officer”.

Paragraph 88 (1) (d)—

- (a) Insert “or her” after “his”.
- (b) Omit “of this regulation”.

Subparagraph 88 (1) (e) (i)—

Omit “him”, substitute “the officer”.

Paragraph 88 (1) (f)—

Omit “he”, substitute “the officer”.

Subregulation 89 (1)—

Omit “he”, substitute “the owner”.

Regulation 90—

Omit “of these Regulations, he”, substitute “, the officer”.

Paragraph 91 (b)—

- (a) Omit “one”, substitute “1”.
- (b) Omit “the last preceding paragraph”, substitute “paragraph (a)”.
- (c) Omit “him”, substitute “the owner”.

Paragraph 91 (c)—

Omit “the last preceding paragraph”, substitute “paragraph (b)”.

Paragraph 91 (d)—

Omit “of this regulation”.

Regulation 92—

Omit “he”, substitute “the officer”.

Paragraph 92 (a)—

Insert “or her” after “his”.

SCHEDULE—continued**Paragraph 92 (c)**—

Omit “the next succeeding regulation”, substitute “regulation 93”.

Subparagraph 92 (c) (i)—

Omit “two”, substitute “2”.

Subregulation 93 (1)—

(a) Omit “his”, substitute “the owner’s”.

(b) Omit “him”, substitute “the analyst”.

Subregulation 93 (3)—

Omit “the last preceding subregulation”, substitute “subregulation (2)”.

Subregulation 93 (4)—

Omit “his”, substitute “the owner’s”.

Regulation 95—

Insert “or her” after “him”.

Paragraph 99 (a)—

Omit “his” (wherever occurring), substitute “the officer’s”.

Paragraph 99 (b)—

Insert “or her” after “his” (wherever occurring).

Paragraph 99 (c)—

Omit “his” (wherever occurring), substitute “the officer’s”.

Paragraph 101 (1) (a)—

Insert “or she” after “he”.

Paragraph 101 (1) (b)—

Insert “or she” after “he”.

Paragraph 101 (1) (c)—

Insert “or her” after “him”.

Subregulation 101 (2)—

(a) Omit “himself”, substitute “the person”.

(b) Omit “his”, substitute “the person’s”.

SCHEDULE—continued**Paragraph 103 (d)**—

Omit “his”, substitute “the person’s”.

Forms 1, 2 and 3—

Omit “the thirty-first day of December,”, substitute “31 December”.

Definition of “dairyman”—

The following provisions are amended by omitting “dairyman” (wherever occurring) and substituting “dairy producer”:

Subregulations 4 (1) (definitions of “dairyman” and “retail milk distributor”), 5 (1) and 6 (2) and (4), paragraph 8 (2) (a), subparagraph 8 (2) (a) (i), paragraph 8 (2) (b), regulation 24, subregulations 25 (1), 28 (1) and 29 (1) and (2), regulations 30 and 31, subregulation 32 (2), regulations 33, 34 and 35, subregulations 36 (1) and (2), paragraphs 37 (3) (a) and (4) (b), regulations 39 and 50, subregulations 51 (1) and (2) and 52 (1) and (2), regulation 66, subregulations 67 (1) and (2) and 88 (2), regulation 98, subregulation 100 (1) and Forms 1 and 2.

NOTES

1. Reprinted as at 31 March 1992.
2. Notified in the ACT Gazette on 2 March 1993.

NOTE ABOUT REGULATION HEADINGS

On the day on which the *Public Health (Dairy) Regulations* are amended by these Regulations, in addition to any alteration of regulation headings indicated in the text of these Regulations, headings to regulations of the Principal Regulations are altered as set out in the following table:

Regulation	Alteration
5	Omit from the heading “ Dairymen ”, substitute “ Dairy producer ”.
6	Omit from the heading “ dairymen ”, substitute “ dairy producer ”.