

1993

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

PUBLIC HEALTH ACT 1928

PUBLIC HEALTH (MEAT) REGULATIONS (AMENDMENT)
PUBLIC HEALTH (DAIRY) REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by authority of

Mr Wayne Berry, Deputy Chief Minister and Minister for Health

Public Health (Meat) Regulations
(Amendment)

Public Health (Dairy) Regulations
(Amendment)

Outline

The Public Health (Meat) Regulations and the Public Health (Dairy) Regulations are made under Section 12 of the Public Health Act 1928. The Public Health (Meat) Regulations apply conditions to the sale of meat in the ACT and the construction and cleanliness of butchers shops. The Public Health (Dairy) Regulations control milk processing, conditions relating to sale of milk and cream, and hygiene in dairy factories.

The purposes of the amendments to the Regulations are, firstly, to define certain terms used in the Regulations so as to be the same as definitions applicable under the Food Act 1992 and, secondly, to remove from the Regulations requirements applying compositional standards to minced meat, milk and milk products such as cream, flavoured milk and modified milks. Compositional standards are contained in the National Food Standards Code (referred to as the Code) and the Food Act 1992 provides that all food sold in the ACT meets the requirements of this Code.

The Code defines terms that have meanings that are different to or an extension of the usual dictionary definition and include definitions of meat and meat products, milk and milk products.

Adoption of the Code into ACT legislation by means of the Food Act 1992 ensures that the standards applicable to food in the ACT are uniform with standards in the States and the Northern Territory.

The consequence of the Amendments is that there will be no conflict of provisions in the Regulations, the Code and the Food Act in relation to the sale of meat, minced meat and other meat products such as sausages and milk and fresh milk products.

As far as butchers and other members of the meat trade are concerned the practical effect of the Amendment is to remove the permission to add preservative to minced meat; a practice in conflict with the Food Standards Code and outlawed in other States, particularly New South Wales for many years.

In regard to the dairy industry in the ACT there are only very minor changes to compositional standards. It is not anticipated that there will be any negative impact on the milk processor in the ACT.

Finally it should be noted that in amending the Regulations the opportunity has been taken to remove any sexist language.

Financial Considerations

The amendments do not involve any additional expenditure by the agency. The cost of advertising to inform industry members of changes that will affect their businesses will be met from existing resources.

Public Health (Meat) Regulations (Amendment) Clause Notes

Clause 1 Commencement

In order to avoid any confusion on the part of the meat trade the amendment will commence on the same day as the commencement of the relevant parts (ie Parts other than Sections 1 and 2) of the Food Act 1992. The Food Act commences on 2nd March 1993.

Clause 2 Principal regulations

The amendment is an amendment of the Public Health (Meat) Regulations made under Section 12 of the Public Health Ordinance.

Clause 3 Interpretation

The Principal Regulations provide a definition of meat that excludes minced meat and a definition of minced meat that includes sausages and sausage meat. Because the Food Standards Code defines "meat flesh", "minced meat", "sausages" and "sausage meat" as separate products this clause amends the Principal Regulations by inserting the definitions used in the Code and inserting or removing the words "minced meat" "sausages" and "sausage meat" as appropriate.

The definition of "minced meat" in the amendment provides that it contain no added substances. This definition effectively prevents the addition of preservative to minced meat and to avoid the same prohibition on sausages and sausage meat (preservative is permitted in these products in the Food Standards Code) there needs to be separate, distinct definitions.

Clause 4 Construction of butchers shops

The purpose of clause 4 is to amend Regulation 7 of the principal regulations by adding the words "sausage meat" and "sausages". The regulation specifies constructional requirements for persons wishing to sell these products and the amendment simply provides that the regulation continue to apply to premises selling sausages and sausage meat in the same manner as prior to amendment.

Clause 5 Responsibility of licensed meat vendor

The intention of this clause is to ensure that the provisions of Regulation 13 which imposes certain responsibilities on meat vendors to maintain their premises in a clean condition and store their meat correctly are not changed by the change to the definitions of "minced meat", "sausages", or "sausage meat".

Clause 6 Unwholesome meat

Clause 6 (a) amends Regulation 18 to provide that changes to the definitions continue to prohibit sale or possession for sale of unwholesome or unfit meat. Clause 6(b) removes the reference in Regulation 18 to the sale of meat or meat products that contain preservative because Regulation 19 (5), permitting the addition of preservative, is deleted by these Amendments.

Clause 7 Conditions applicable to minced meat, prepared meat goods etc.

Part (a) of this clause amends Regulation 19 (1) and (6) to ensure that a licensed meat vendor is still permitted to sell sausages and sausage meat following changes to the definition of minced meat and to prevent the sale or possession for sale of those products unless the person is a licensed meat vendor or holds a permit to sell prepared meat goods.

Part (b) omits Regulation 19 (2), (3), (4) and (5) thereby removing the standard for the quantity of a named meat to be present in minced meat, the amount of saltpetre and the amount of starch permitted in minced meat and the amount of preservative permissible. The amendment also removes the reference to sausage skin being deemed to be part of the meat.

These standards are contained in the Food Standards Code.

Clause 8 Source of minced meat and prepared meat goods

Regulation 20 of the principal regulations are amended to ensure that the change to the definitions does not alter the powers of this Regulation to prevent meat being sold in the ACT from unsuitable sources.

Clause 9 Application of Public Health (Sale of Food and Drugs) Regulations.

Under Regulation 22 the provisions of the Public Health (Meat) Regulations prevail over the Public Health (Sale of Food and Drugs) Regulations and the purpose of this clause is to ensure that this is not altered by change to the definitions.

Public Health (Dairy) Regulations (Amendment)
Clause Notes

Clauses 1 and 2 Principal Regulations and commencement.

The principal regulations are the Public Health (Dairy) Regulations and the amendments will commence when the Food Act comes into force ie. 2nd March 1993.

Clause 3 Interpretation

Regulation 4 of the principal regulations contains definitions of milk, cream and various milk and cream products such as flavoured milk and thickened cream. Except the definition of "cream" these definitions have been omitted and the interpretation will be that as given in the Code. If a person wishes to manufacture or sell one of these products the labelling, packaging and composition will be regulated under the Food Act according to provisions in the Code. The Code definition of "cream" is given to replace that in the principal regulations because the latter contained a reference to a compositional standard (ie the cream had to contain 35% milk fat). Although this is the same as the Code current compositional standard the intention is to remove compositional standards and at the same time ensure that any provisions of the principal regulations that deal specifically with cream are clearly interpreted. For example Regulation 18(A) 2 regulates importation of cream into the ACT.

The hygiene aspects of production will remain in the principal regulations.

The definition of "sell" is replaced by that in the Food Act for simplicity.

The words "or sale" are no longer applicable in sub regulation (3) and are omitted.

Clause 4 Repeal of Regulations 10-13 inclusive.

Provisions in the Food Standards Code replace compositional and microbial standards for milk, pasteurised milk other liquid milk products and cream and cream products and pasteurisation methods contained in Regulations 10 - 13 of the principal regulations. This is the principal "tidying-up" effect of the amendment and ensures that standards are in the Code rather than in local enactments.

Clauses 5 and 6 Repeal of labelling of containers

Regulations 14 to 18 inclusive provide labelling requirements which are replaced by labelling provisions of the Food Standards Code. Clause 5 repeals the labelling provisions of Regulation 14. and Clause 6 repeals those of Regulations 15 -18. However sub regulation (1) of each Regulation requires that the container holding the milk or cream should be sealed in an approved manner to protect the contents, a reference to days when legislation was aiming to prevent the practice of selling milk in open cans or container with unsatisfactory seals. Clause 5 retains this provision as it is not within the scope of the Code.

Clause 7 Importation of cream into the Territory

Regulation 18A provides hygiene requirements on transport of cream into the ACT. The amendment only removes the references to different types of cream as the names are outdated and the terminology of the Food Standard Code now applies.

Clause 8 Repeal of Regulation 38

The requirements to label milk containers is superseded by the provisions of the Food Standards Code.

Clause 9 Factory appliances for pasteurisation

Methods for pasteurisation of milk have been removed from the Regulations by Clause 4 making reference to methods specified by the Regulations in Regulation 44 unnecessary. The purpose of this clause is to remove a reference to methods "specified in these Regulations".

Clause 10 Rejection of certain milk or cream delivered to a factory

The purpose of this clause is to remove a reference in Regulation 58 to standards contained in the Regulations.

Clause 11 Prohibition of sale of certain milk and cream

The purpose of this Clause is to remove a reference to prohibition of sale of milk or cream that contains a preservative or has not been pasteurised by a method specified in the Regulations as the Food Standards Code by means of provisions of the Food Act 1992 regulates such matters.

Clause 12 Repeal

This clause repeals a labelling provision contained in Regulation 77 relating to the use of containers bearing the words "milk" or "cream".

Clause 13 Service of notice etc.

Regulation 103 lists the manner in which a notice etc. is deemed to have been duly effected. Because "prepaid registered post" is no longer available the word registered is deleted and service by "prepaid post" remains as one method of service.

Clause 14 Further amendments

Clause 14 refers to amendments contained in the schedule relating to removal of sexist language eg. adding "or her" after "him", "dairy producer" instead of "dairyman" and simplifying references to Regulations within Regulations.