

AUSTRALIAN CAPITAL TERRITORY

PUBLIC HEALTH (DAIRY) REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

No. 28 of 1986

The Public Health (Dairy) Regulations (Amendment) will provide for the regulation of the sale of goat milk as an interim measure in the implementation of the National Health and Medical Research Council, Model Food Standards. It is desirable to implement the standards at this time because of the danger of contamination through the distribution of unpasteurised goat milk and the absence of legislation on the subject. More comprehensive legislation on uniform food standards is being formulated to implement the National Health and Medical Research Council recommendations.

Regulation 1 defines “Principal Regulations” to mean the Public Health (Dairy) Regulations.

Regulation 2 adjusts the interpretation provisions in the Principal Regulations to include goat milk. Previously the regulations only applied to cows milk.

Regulation 3 inserts regulation 10A which outlines the raw goat milk standard. This standard reflects the most recent recommendations of the National Health and Medical Research Council.

Regulation 4 inserts regulation 11A which outlines the pasteurised goat milk standard. Again the standard reflects the most recent recommendations of the National health and Medical Research Council.

Regulation 5 inserts regulation 63A in a similar format to regulation 63 of the Principal Regulations which is directed towards the regulation of cows milk sales. Regulation 63A prohibits the sale of goat milk if it is not pasteurised but allows the

General Manager of the Australian Capital Territory Health Authority to authorise certain persons to sell non-pasteurised goat milk. This will give the Authority the power to monitor the sale of unpasteurised goat milk. This method of regulation reflects the recommendations of the National Health and Medical Research Council.

Regulations 6 and 7 amend regulations 69 and 71 of the Principal Regulations respectively, to substitute “General Manager” for “Chairman” throughout. The functions and powers under these regulations previously performed by the Chairman of the Australian Capital Territory Health Authority are now performed by the General Manager as a result of the provisions of the Ordinance which now establishes the ACT Health Authority.

Regulation 8 amends regulation 87 of the Principal Regulations. It will make Part VII of the Principal Regulations applicable to the sellers of goat milk. Part VII provides for powers of entry by authorised officer; the retention of milk for examination; procedures for the seizure, storage and analysis of samples; provisions to facilitate prosecutions; and offences for failing to comply with the regulations, orders, and conditions and for providing false information. The provision which contains these offences is regulation 104 of the Principal Regulations which carries a maximum penalty of \$500.00 for an individual offence; or in the case of continuing offences, the aggregate of \$500 with a maximum of \$1000, calculated at the rate of \$50.00 for every day during which the offence continues. Part VII of the Principal Regulations as amended also enables the General Manager to delegate his functions under the regulations. Part VII, has therefore been made applicable to the sale of goat milk to ensure that the proposed amendments can be effectively enforced. The enforcement provisions have been found to be satisfactory over a long period of time in the regulation of the production and distribution of cows milk.

Regulations 9, 10 and 11 amend regulation 105 of, and the Schedule to, the Principal Regulations, and those regulations of the Principal Regulations set out in the Schedule to the proposed regulations, respectively. These amendments substitute “General Manager” for “Chairman” throughout, in accordance with the changes to the functioning of the Authority which made the General Manager the executive head of the Authority.