

## Regulations 1972 No. 1

### Regulations under the *Public Health Ordinance 1928-1966*.\*

**I** KENNETH McCOLL ANDERSON, the Minister of State for Health, hereby make the following Regulations under the *Public Health Ordinance 1928-1966*.

Dated this fourth day of January, 1972.

KEN ANDERSON  
Minister of State for Health.

#### AMENDMENTS OF THE PUBLIC HEALTH (DAIRY) REGULATIONS†

1. Regulation 3 of the Public Health (Dairy) Regulations is amended by omitting the words "Sale of Milk" and inserting in their stead the words "Sale of Milk or Cream". Parts.

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

(a) by omitting from the definition of "dairyman" in sub-regulation (1.) the word "carrying" and inserting in its stead the words "licensed under these Regulations to carry";

(b) by omitting from that sub-regulation the definitions of "licensed" and "milk"; and

(c) by omitting from that sub-regulation the definitions of "milk shop" and "milk vendor" and inserting in their stead the following definitions:—

" 'milk shop' means premises used for the retail sale of milk or cream, but does not include any portion of a factory or dairy;

'milk retailer' means a person who holds a Retailer's Licence under the *Milk Authority Ordinance 1971*;

'milk vendor' means a person who holds a Vendor's Licence or Vendor's Permit under that Ordinance;

'milk wholesaler' means a person who holds a Wholesaler's (Importing) Licence or Wholesaler's (Processing) Licence under that Ordinance;".

3. Regulation 5 of the Public Health (Dairy) Regulations is amended— Dairymen to be licensed and registered.

(a) by omitting from sub-regulation (1.) the words "or milk vendor"; and

(b) by omitting sub-regulations (2.) and (3.).

\* Notified in the *Commonwealth Gazette* on 13 January 1972.

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

Licensing of dairymen and registration of premises.

4. Regulation 6 of the Public Health (Dairy) Regulations is amended—
- (a) by omitting from sub-regulation (1.) the words “or Form 1A”;
  - (b) by omitting from sub-regulation (2.) the words “or milk vendor”;
  - (c) by omitting from sub-regulation (2.) the words “, unless the applicant is a person specified in sub-regulation (3.) of the last preceding regulation,”;
  - (d) by omitting from sub-regulation (4.) the words “or milk vendor”;
  - (e) by omitting from sub-regulation (4.) the words “, or, in the case of a retail milk distributor, a licence which may be in accordance with Form 2A”;
  - (f) by omitting sub-regulation (7.) and inserting in its stead the following sub-regulation:—
    - “(7.) The fee payable for a licence as a dairyman is Five dollars, and the fee payable for the registration of a dairy is Five dollars.”.

Establishment of dairies.

5. Regulation 7 of the Public Health (Dairy) Regulations is amended by omitting from sub-regulation (1.) the words “factory or”.

Cancellation of licence or registration.

6. Regulation 8 of the Public Health (Dairy) Regulations is amended—
- (a) by omitting from sub-regulation (2.) the words “or milk vendor” (wherever occurring); and
  - (b) by omitting sub-regulation (4.).

Repeal of regulation 9.

7. Regulation 9 of the Public Health (Dairy) Regulations is repealed.

8. Regulation 14 of the Public Health (Dairy) Regulations is repealed and the following regulation inserted in its stead:—

Labelling of milk containers.

- “14. The occupier of a factory shall not sell pasteurized milk, or a substance represented to be pasteurized milk, in a container—
- (a) except in a container that is sealed, in accordance with regulation 54 of these Regulations, with a disc, cap or device;
  - (b) unless there are legibly embossed or printed in not less than twelve point lettering—
    - (i) the words ‘Pasteurized Milk’; and
    - (ii) its contents by fluid measurement;
  - (c) unless there is, if the container is a carton, on the carton, or, if the container is a bottle, on the disc, cap or device used to seal the bottle, legibly embossed or printed the name of the person on whose premises the milk contained in the carton or bottle was pasteurized; and
  - (d) unless there is, if the container is a carton, legibly embossed on the carton, or if the container is a bottle legibly embossed on the disc, cap or device used for sealing the bottle, in eight point lettering a figure or figures indicating the day of the month of the year on which the milk was pasteurized.”.

Labelling of cream containers.

9. Regulation 16 of the Public Health (Dairy) Regulations is amended—
- (a) by inserting in sub-regulation (1.), after the word “unless”, the words “there is legibly embossed on the disc, cap or device used for sealing the container or there is legibly embossed or printed on the container, in eight point lettering, a figure or figures indicating the day of the month of the year on which the cream was placed in the container and”;
  - (b) by omitting paragraph (ba) of that sub-regulation.

**10.** Regulation 19 of the Public Health (Dairy) Regulations is amended by omitting from sub-regulation (5.) the words "One pound" and inserting in their stead the words "Five dollars". Registration of dairy herds.

**11.** Regulation 36 of the Public Health (Dairy) Regulations is amended by omitting the words "or milk vendor" (wherever occurring) and inserting in their stead the words ", milk wholesaler or milk retailer". Cleanliness of appliances, &c.

**12.** Regulation 37 of the Public Health (Dairy) Regulations is repealed and the following regulation inserted in its stead:—

"37.—(1.) A person shall not engage in the carriage or delivery of milk or cream unless the vehicle used by him for that carriage or delivery— Vehicles.

- (a) is capable of being effectively and readily cleaned;
- (b) is so constructed and maintained as to protect the milk or cream carried in it from dust, flies, other insects and any other thing that might render the milk or cream unwholesome or injurious to health; and
- (c) is kept clean and in good repair.

"(2.) A person shall not engage in the carriage or delivery of milk or cream as a milk wholesaler in the course of his business unless the vehicle used by him for that carriage or delivery is so constructed or equipped that the milk or cream carried in it is kept at a temperature of not more than forty degrees Fahrenheit.

"(3.) A person shall not, in the course of the business carried on by him, engage in the carriage or delivery of milk or cream between six o'clock in the morning of a day and six o'clock in the evening of the same day unless—

- (a) he is a licensed dairyman engaged in the carriage or delivery of milk or cream in the course of his business; or
- (b) the vehicle used by him for that carriage or delivery is so constructed or equipped that the milk or cream carried in it is kept at a temperature of not more than fifty degrees Fahrenheit.

"(4.) A person shall not, in the course of the business carried on by him, engage in the carriage or delivery of milk or cream unless the vehicle used by him for that carriage or delivery has conspicuously painted, and maintained, on both sides of the vehicle in letters not less than three inches in height—

- (a) the name of the person; and
- (b) if he is a milk wholesaler, the words 'licensed milk wholesaler', if he is a milk vendor, the words 'licensed milk vendor', if he is a milk retailer, the words 'licensed milk retailer', or, if he is a dairyman, the words 'licensed dairyman', as the case requires.

"(5.) A person shall not use the part of the vehicle used for carrying the milk or cream for the carriage of any substance or thing other than dairy products and fruit juices.

"(6.) The last three preceding sub-regulations do not apply to or in relation to a milk retailer who delivers milk or cream as part of a sale of groceries."

**13.** After regulation 44 of the Public Health (Dairy) Regulations the following regulation is inserted:—

"44A.—(1.) The occupier of a factory into which imported packaged milk or cream is brought shall— Records of imported milk and cream.

- (a) record in writing the time of arrival of the milk or cream at the factory; and
- (b) record in writing the temperature of the milk or cream on arrival at the factory.

"(2.) The occupier of the factory shall keep in the factory, for a period of three months after the day on which the milk or cream arrived at the factory—

- (a) the records referred to in the last preceding sub-section;
- (b) records stating the temperature recorded by mechanical device at each stage of the pasteurizing process, the pasteurizer used, the address where it was used and the day of pasteurization; and
- (c) records identifying each batch of milk or cream so brought into the factory."

Washing and sterilising equipment at factories.

14. Regulation 46 of the Public Health (Dairy) Regulations is amended by inserting after the word "factory" the words "at which milk is treated".

Equipment for storage, &c., at factories.

15. Regulation 47 of the Public Health (Dairy) Regulations is amended—

- (a) by inserting after the word "factory" the words "at which milk is treated"; and
- (b) by adding at the end thereof the following sub-regulation:—

"(2.) The occupier of a factory shall not store milk or cream elsewhere than in a place so constructed or equipped that the milk or cream is kept at a temperature of not more than forty degrees Fahrenheit."

16. After regulation 48 of the Public Health (Dairy) Regulations the following regulation is inserted:—

Milk vending machines.

"48A. A person shall not install a coin-operated machine or other appliance from which milk or cream may be automatically sold, or sell milk or cream by means of such a machine or appliance, unless—

- (a) the machine or appliance is so constructed and maintained as to protect the milk or cream in it from the direct rays of the sun, or from dust, flies or other insects and any other thing that might render the milk or cream unwholesome or injurious to health;
- (b) the machine or appliance is so located as to be away from fumes or gases that might render the milk or cream unwholesome or injurious to health;
- (c) the milk or cream at each sale by means of the machine or appliance is contained in a separate sealed container;
- (d) there forms part of the machine or appliance a thermometer that shows clearly to persons using the machine or appliance the air temperature of the storage compartment for the milk or cream, being a thermometer that is accurate to within four degrees Fahrenheit;
- (e) except during, and thirty minutes after, filling or servicing, the air temperature of that storage compartment for the milk or cream is kept at a temperature of not more than forty degrees Fahrenheit; and
- (f) the name and address of the person who sells milk or cream by means of the machine or appliance is painted in a conspicuous place on the exterior of the machine or appliance in letters not less than three inches in height."

Storage, &c., of milk.

17. Regulation 51 of the Public Health (Dairy) Regulations is amended by omitting the words "or milk vendor" (wherever occurring) and inserting in their stead the words "milk retailer, milk vendor or milk wholesaler".

Storage of milk and containers by milk vendor.

18. Regulation 51A of the Public Health (Dairy) Regulations is amended—

- (a) by omitting from sub-regulation (1.) the words "retail milk distributor" and inserting in their stead the words "milk vendor";
- (b) by omitting from that sub-regulation the word "registered"; and
- (c) by omitting from sub-regulation (2.) the words "retail milk distributor" and inserting in their stead the words "milk vendor".

19. Regulation 53 of the Public Health (Dairy) Regulations is amended by omitting from paragraph (e) the figures "38" and inserting in their stead the word "forty". Obligations of occupier of factory.
20. Regulation 54 of the Public Health (Dairy) Regulations is amended— Obligations of occupier of milk bottling or packing factory.
- (a) by omitting the words "bottled or placed in cartons" and inserting in their stead the words "placed in containers";
- (b) by omitting paragraph (a) and inserting in its stead the following paragraph:—  
 "(a) a container in a dirty, damaged or obviously offensive condition is not filled with milk or cream;" ;
- (c) by omitting from paragraph (b) the words "a dirty, damaged or torn carton, or a carton" and inserting in their stead the words "a container";
- (d) by omitting paragraph (c) and inserting in its stead the following paragraph:—  
 "(c) milk is not placed in a container except by means of an approved mechanical filler;" ;
- (e) by omitting from paragraphs (d), (e), (f) and (h) the words "bottle or carton" (wherever occurring) and inserting in their stead the word "container";
- (f) by omitting from paragraph (f) the word "carton" (first occurring) and inserting in its stead the word "container"; and
- (g) by omitting from paragraph (h) the words "bottles or cartons" and inserting in their stead the word "containers".
21. Regulation 55 of the Public Health (Dairy) Regulations is amended— Cleaning and sterilizing milk cans and bottles.
- (a) by omitting from sub-regulation (2.) the words "is bottled or placed in cartons" and inserting in their stead the words "is placed in cans"; and
- (b) by omitting from sub-regulation (4.) the words "cartons shall ensure that a bottle or carton, as the case may be" and inserting in their stead the words "containers shall ensure that a bottle".
22. Regulation 58 of the Public Health (Dairy) Regulations is amended by omitting the words "bottles or cartons" and inserting in their stead the word "containers". Rejection of certain milk or cream delivered to factory.
23. Regulation 61 of the Public Health (Dairy) Regulations is amended by omitting the words "bottles or cartons" and inserting in their stead the word "containers". Overalls to be worn.
24. Regulation 63 of the Public Health (Dairy) Regulations is amended— Prohibition of sale of certain milk or cream.
- (a) by omitting the words "or milk vendor" and inserting in their stead the words ", milk wholesaler, milk retailer, milk vendor or the holder of a Vending Machine Licence granted under section 29 of the *Milk Authority Ordinance 1971*";
- (b) by omitting from paragraph (c) the words ", factory or milk shop";
- (c) by omitting paragraph (d);
- (d) by adding at the end of paragraph (h) the word "and"; and
- (e) by omitting paragraphs (i) and (j) and inserting in their stead the following paragraph:—  
 "(i) having been produced in the Territory, has not been obtained from a registered dairy herd."

List of customers to prevent spread of disease.

**25.** Regulation 66 of the Public Health (Dairy) Regulations is amended by omitting the words " or milk vendor " (wherever occurring) and inserting in their stead the words " , milk retailer, milk vendor or milk wholesaler ".

Vendors not to allow infected persons to engage in milk production.

**26.** Regulation 67 of the Public Health (Dairy) Regulations is amended by omitting the words " or milk vendor " (wherever occurring) and inserting in their stead the words " , milk retailer, milk vendor or milk wholesaler ".

**27.** Regulation 78 of the Public Health (Dairy) Regulations is repealed and the following regulation inserted in its stead:—

Containers in which milk or cream is sold to be filled in factory are not to be dirty or damaged.

" 78.—(1.) A milk vendor shall not supply milk or cream in a container unless the container—

- (a) has been filled with milk or cream at premises at which a milk wholesaler is authorized by his licence to carry on business; and
- (b) is supplied to the customer in the sealed state in which it leaves the factory.

" (2.) A person shall not sell or supply milk or cream in a container that is dirty or damaged."

**28.** Regulations 82 and 83 of the Public Health (Dairy) Regulations are repealed and the following regulations inserted in their stead:—

Delivery hours.

" 82. A person shall not engage in the retail distribution of milk or cream from a vehicle to houses or flats or both, except between the hour of six o'clock in the evening of one day and the hour of six o'clock in the morning of the next succeeding day.

Pasteurized milk to be sold fresh.

" 83.—(1.) A person shall not sell milk after the expiration of three days after the date on which it has been pasteurized.

" (2.) A milk retailer shall, from the time any milk is received by him and until the time the milk is sold by him cause the milk to be kept at a temperature not exceeding forty degrees Fahrenheit."

Delivery of milk to factory.

**29.** Regulation 84 of the Public Health (Dairy) Regulations is repealed.

**30.** Regulations 85 and 86 of the Public Health (Dairy) Regulations are repealed and the following regulations inserted in their stead:—

Place at which containers, &c., are to be kept.

" 85. A milk retailer or milk wholesaler shall not cleanse, wash, sterilize, keep or store a container or utensil used in connexion with the storage or sale of milk or cream except on the premises at which he is authorized by his licence to carry on business."

Milk not to be transferred from one container to another.

" 86. A person shall not, on a street or in a public place, transfer milk or cream from one container to another."

**31.** Part VIA. of the Public Health (Dairy) Regulations is repealed and the following Part inserted in its stead:—

" PART VIA.—SALE OF MILK OR CREAM THAT HAS NOT BEEN PASTEURIZED.

Sale of unpasteurized milk or cream.

" 86A.—(1.) A person shall not sell—

- (a) milk unless it is pasteurized milk; or
- (b) cream unless it is pasteurized cream.

“(2.) The last preceding sub-regulation does not apply to a person—

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

32. Regulation 88 of the Public Health (Dairy) Regulations is amended—

Powers of authorized officer.

- (a) by inserting in paragraph (c) of sub-regulation (1.), after the word “substance”, the words “, or any appliance or container,”; and
- (b) by omitting from sub-regulation (2.) the words “the proprietor of a factory, a dairyman or a milk vendor” and inserting in their stead the words “a dairyman, milk retailer, milk vendor or milk wholesaler”.

33. Regulation 98 of the Public Health (Dairy) Regulations is amended by omitting the words “milk vendor, dairyman or person employed by a milk vendor or dairyman” and inserting in their stead the words “dairyman, milk retailer, milk vendor, milk wholesaler or a person employed by such a person”.

Information to be given.

34. Regulation 100 of the Public Health (Dairy) Regulations is amended—

Evidence.

- (a) by omitting the words “dairyman or milk vendor” and inserting in their stead the words “dairyman, milk retailer, milk vendor or milk wholesaler”; and
- (b) by adding at the end thereof the following sub-regulation:—
  - “(3.) In a prosecution for an offence against these Regulations, evidence that a substance was represented, or in any way held out, to be milk or cream shall, unless the contrary is proved, be deemed to be evidence that the substance was milk or cream, as the case may be.”.

35. Regulation 104 of the Public Health (Dairy) Regulations is amended—

Offences.

- (a) by omitting the words “Fifty pounds” and inserting in their stead the words “One hundred dollars”; and
- (b) by omitting the words “Five pounds” and inserting in their stead the words “Ten dollars”.

36. The Schedule to the Public Health (Dairy) Regulations is amended by omitting Forms 1, 1A, 2, 2A and 3 and inserting in their stead the following forms:—

The Schedule.

FORM 1

Regulation 6.

AUSTRALIAN CAPITAL TERRITORY

Public Health Ordinance 1928-1966

PUBLIC HEALTH (DAIRY) REGULATIONS

APPLICATION FOR REGISTRATION OF DAIRY AND FOR LICENCE AS A DAIRYMAN

The Director-General of Health:

I, \_\_\_\_\_, hereby make application for the registration of the dairy situated at \_\_\_\_\_ and for a licence as a dairyman and forward herewith the sum of \_\_\_\_\_, being the prescribed fee for the year ending on the thirty-first day of December, 19 \_\_\_\_\_.

Signature

Date

*Public Health (Dairy) Regulations*

FORM 2

Regulation 6.

AUSTRALIAN CAPITAL TERRITORY

*Public Health Ordinance 1928-1966*

PUBLIC HEALTH (DAIRY) REGULATIONS

LICENCE AS A DAIRYMAN

This licence authorizes \_\_\_\_\_ to carry on the business of dairyman under and subject to the *Public Health Ordinance 1928-1966*, and Regulations under that Ordinance, on and after the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to and including the thirty-first day of December, 19\_\_\_\_, unless this licence is sooner cancelled in accordance with those Regulations.

Date

Director-General of Health.

FORM 3

Regulation 6.

AUSTRALIAN CAPITAL TERRITORY

*Public Health Ordinance 1928-1966*

PUBLIC HEALTH (DAIRY) REGULATIONS

CERTIFICATE OF REGISTRATION OF DAIRY

I hereby certify that, in pursuance of the Public Health (Dairy) Regulations, the premises situated at \_\_\_\_\_ in the Australian Capital Territory and occupied by \_\_\_\_\_ have, subject to those Regulations, been registered as a dairy to and including the thirty-first day of December, 19\_\_\_\_.

Date

Director-General of Health.