

AUSTRALIAN CAPITAL TERRITORY

Regulations 1986 No. 28¹

Public Health (Dairy) Regulations² (Amendment)

I, GORDON GLEN DENTON SCHOLES, the Minister of State for Territories, hereby make the following Regulations under the *Public Health Ordinance 1928*.

Dated 16 December 1986.

G. SCHOLES

Minister of State for Territories

Principal Regulations

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

Interpretation

2. Regulation 4 of the Principal Regulations is amended—

(a) by omitting from sub-regulation (1) the definition of “Australian Standard 1095” and substituting the following definitions:

“ ‘Australian Standard 1095’ means—

- (a) in any case not referred to in paragraph (b)—the publication issued by the Standards Association of Australia and entitled ‘Australian Standard 1095—Methods of Microbiological Examination of Dairy Products and for Dairy Purposes’; or
- (b) in the case of goat milk—that publication as varied by the publication issued by the National Health and Medical Research Council Food Standards Committee dated December 1983 and entitled ‘Revised Draft Model Food Standards Regulation for Goat Milk’;

‘Australian standard 2300’ means the publication issued by the Standards Association of Australia and entitled ‘Australian Standard AS 2300-2-2 of 1981—Determination of Iodide’;”;

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

“ ‘goat milk’ means goat’s milk in liquid or frozen form;”;

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

“ ‘pasteurized goat milk’ means goat milk that complies with the requirements of regulation 11A;”;

- (d) by inserting after the definition of “prepared cream” in sub-regulation (1) the following definition:

“ ‘raw goat milk’ means goat milk which has not been subjected to a process or treatment other than straining and cooling;”.

3. After regulation 10 of the Principal Regulations the following regulation is inserted:

Raw goat milk standard

“10A. (1) Raw goat milk shall not have been obtained from a goat during 15 days before expected parturition or 10 days immediately after parturition.

“(2) Raw goat milk shall not contain—

- (a) 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; or
- (b) iodine in excess of 500 micrograms per litre as ascertained in accordance with Australian Standard 2300.

“(3) Raw goat milk shall have a colony count not exceeding 150,000 per millilitre and a coliform count not exceeding 10 coliforms per millilitre.

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

“(5) Raw goat milk shall have a thermophilic bacteria count not exceeding 30,000 micro-organisms per millilitre as ascertained by means of a thermophilic bacteria count test carried out in accordance with Australian Standard 1095.”.

4. After regulation 11 of the Principal Regulations the following regulation is inserted:

Pasteurized goat milk standard

“11A. (1) Pasteurized goat milk shall be made from raw goat milk that complies with the requirements of sub-regulations 10A (1), (2), (3) and (5).

“(2) Pasteurized goat milk shall be pasteurized by heating the milk once only—

- (a) to a temperature of not less than 72 degrees Celsius and not more than 73.5 degrees Celsius, keeping it at that temperature for not less than 15 seconds by means of apparatus of a kind referred to in sub-regulation (3) and immediately thereafter cooling it rapidly to a temperature below 4.5 degrees Celsius; or
- (b) to a temperature of not less than 61 degrees Celsius and not more than 65 degrees Celsius, keeping it at that temperature for not less than 30 minutes and immediately thereafter cooling it rapidly to a temperature below 4.5 degrees Celsius.

“(3) For the purposes of paragraph (2) (a), the apparatus employed shall be apparatus provided with a device that automatically diverts the flow of any milk that has not been retained at a temperature of not less than 72 degrees Celsius for not less than 15 seconds.

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

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

“(6) Pasteurized goat 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.”.

5. After regulation 63 of the Principal Regulations the following regulation is inserted:

Prohibition of sale of goat milk

“63A. (1) Subject to this regulation, a person shall not sell goat milk other than pasteurized goat milk.

“(2) The General Manager may, by notice in writing, authorize a person, upon such conditions (if any) as are specified in the notice, to sell goat milk other than pasteurized goat milk.

“(3) A person who sells goat milk in accordance with a notice referred to in sub-section (2) does not commit an offence by reason only that that goat milk is not pasteurized goat milk.”.

Medical examination where required by General Manager

6. Regulation 69 of the Principal Regulations is amended by omitting “Chairman” (wherever occurring) and substituting “General Manager”.

Prohibition by General Manager of sale of milk or cream

7. Regulation 71 of the Principal Regulations is amended by omitting “Chairman” and substituting “General Manager”.

Interpretation

8. Regulation 87 of the Principal Regulations is amended—

- (a) by omitting “milk or containing milk” from the definition of “milk” and substituting “, or containing, milk or goat milk”; and
- (b) by adding at the end thereof the following sub-regulation:

“(2) In this Part—

- (a) a reference to a milk shop shall be read as including a reference to premises used for the retail sale of goat milk;
- (b) a reference to a milk retailer shall be read as including a reference to a person who carries on the business of selling goat milk; and
- (c) a reference to a milk wholesaler shall be read as including a reference to a person who carries on the business of selling goat milk by wholesale.”.

Delegation by General Manager

9. Regulation 105 of the Principal Regulations is amended by omitting “Chairman” (wherever occurring) and substituting “General Manager”.

The Schedule

10. The Schedule to the Principal Regulations is amended—

(a) by omitting from Forms 1 and 4—

“The Chairman,
Capital Territory Health Commission”

and substituting—

“The General Manager,
A.C.T. Health Authority”; and

(b) by omitting from Forms 2 and 3—

“Chairman,
Capital Territory Health Commission”

and substituting—

“General Manager,
A.C.T. Health Authority”.

Further amendments

11. The provisions of the Principal Regulations specified in the Schedule are amended by omitting “Chairman” (wherever occurring) and substituting “General Manager”.

SCHEDULE

Regulation 11

FURTHER AMENDMENTS

Sub-regulation 4 (1) definitions of “approved” and “authorized officer”, sub-regulations 6 (2), (3), (4) and (5) and 7 (1) and (2), regulation 18, sub-regulations 19 (1), (3) and (4), regulation 24, sub-regulations 38 (1) and 40 (7) and (9), paragraphs 40 (9) (b) and 47 (1) (d), sub-regulation 55 (3), paragraph 59 (b), sub-regulation 60 (1), paragraph 63 (2) (a), regulations 65 and 66, sub-regulation 67 (2), regulation 70, paragraph 70 (b).

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 12 January 1987.
2. Regulations 1957 No. 5 as amended by 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; 1976 No. 24; 1978 No 20; 1979 No. 19; 1980 Nos. 3 and 14; 1981 No. 12; 1984 No. 4.