



# Food Production (Dairy Food Safety Scheme) Amendment (Goat and Sheep Dairy Products) Regulation 2003

under the

Food Production (Safety) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Production (Safety) Act 1998*.

IAN MICHAEL MACDONALD, M.L.C.,  
Minister for Agriculture and Fisheries

## Explanatory note

The object of this Regulation is to amend the *Food Production (Dairy Food Safety Scheme) Regulation 1999* to expand the food safety scheme prescribed under that Regulation to include goat and sheep dairy products.

The food safety scheme under the *Food Production (Dairy Food Safety Scheme) Regulation 1999* provides for the safe handling (including collection, processing, storage and transport) of milk, and products made from milk, intended for human consumption.

The Scheme deals with the following matters:

- (a) general requirements for the safe handling of milk and dairy products on premises and during transport, production, manufacture and storage,
- (b) requirements for dairy farms, including requirements relating to buildings and equipment, cooling of milk, sampling and testing, collection of milk, and on-farm safety programs,
- (c) requirements for dairy produce factories, dairy produce stores and milk stores, including requirements relating to buildings and equipment, food safety programs, testing of milk, control of contamination, product recall, keeping of records, pasteurisation, bulk milk transport, and distribution premises,
- (d) requirements for milk vendors,
- (e) miscellaneous matters, including industry consultation, charges for inspection, analysis and audit.

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This Regulation also increases the fees for inspections and audits carried out by Safe Food for the purposes of the *Food Production (Dairy Food Safety Scheme) Regulation 1999*.

This Regulation is made under the *Food Production (Safety) Act 1998*, including sections 19 (regulations relating to the establishment of food safety schemes) and 70 (the general regulation-making power).

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**Food Production (Dairy Food Safety Scheme)  
Amendment (Goat and Sheep Dairy Products)  
Regulation 2003**

under the

Food Production (Safety) Act 1998

**1 Name of Regulation**

This Regulation is the *Food Production (Dairy Food Safety Scheme) Amendment (Goat and Sheep Dairy Products) Regulation 2003*.

**2 Amendment of Food Production (Dairy Food Safety Scheme) Regulation 1999**

The *Food Production (Dairy Food Safety Scheme) Regulation 1999* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 2)

**[1] Schedule 1 Dairy Food Safety Scheme**

Omit the definition of *ANZFA* from clause 3 (1).

**[2] Schedule 1, clause 3 (1)**

Insert in alphabetical order:

*FSANZ* means Food Standards Australia New Zealand.

*milk* means the mammary secretion of a milking animal obtained from one or more milkings and intended for human consumption as a liquid or for further processing, but does not include colostrums.

*milking animal* means a cow, goat or sheep.

**[3] Schedule 1, clause 3 (1)**

Omit “cattle” from the definition of *dairy farm*.

Insert instead “milking animals”.

**[4] Schedule 1, clause 3 (1)**

Omit the definition of *dairy farmer*. Insert instead:

*dairy farmer* means a person who carries on the business of producing milk on a dairy farm for human consumption.

**[5] Schedule 1, clause 3 (1)**

Omit the following from the definition of *dairy produce factory*:

but does not include a building or place used solely for, or in connection with, the grazing, feeding or milking of cattle for the purpose of producing milk.

Insert instead:

but does not include a building or place:

- (d) used solely for, or in connection with, the grazing, feeding or milking of milking animals for the purpose of producing milk, or

- 
- (e) on a dairy farm, that is used for, or in connection with, the packaging of unprocessed goat's milk that is supplied or is to be supplied for sale.

**[6] Schedule 1, clause 3 (1)**

Insert “, but does not include any premises used solely for retail purposes” after “otherwise” in the definition of *dairy produce store*.

**[7] Schedule 1, clause 3 (1)**

Omit the definition of *dairy product*. Insert instead:

*dairy product* means a food, not being milk, that contains:

- (a) at least 50 per cent (measured by weight) of either or both of the following:
- (i) cow's milk,
  - (ii) any substance produced from cow's milk (but disregarding any weight of the substance not attributable to milk), or
- (b) at least 25 per cent (measured by weight) of either or both of the following:
- (i) milk from a milking animal other than a cow,
  - (ii) any substance produced from milk from a milking animal other than a cow (but disregarding any weight of the substance not attributable to that milk), or
- (c) at least 50 per cent (measured by weight) of either or both of the following:
- (i) milk from any one or more species of milking animal,
  - (ii) any substance produced from milk from any one or more species of milking animal (but disregarding any weight of the substance not attributable to that milk).

**[8] Schedule 1, clause 4 (1) and (3)**

Omit “*Food (General) Regulation 1997*” wherever occurring.

Insert instead “*Food Regulation 2001*”.

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**[9] Schedule 1, clause 7 (1) (a)**

Omit “*Standard H1—Milk and Liquid Milk Products*”.

Insert instead “Standard 1.6.2 (Processing requirements)”.

**[10] Schedule 1, clause 7 (1) (c)**

Insert “in the case of cow’s milk or cream—” before “the milk”.

**[11] Schedule 1, clause 7 (2) (c)**

Insert at the end of clause 7 (2) (b):

, or

- (c) to goat’s milk or cream, but only if:
  - (i) the milk or cream has been produced in compliance with a food safety program certified under clause 18, and
  - (ii) in the case of milk or cream that is unpasteurised—the milk or cream bears a label that includes an advisory statement in accordance with clause 2 of Standard 1.2.3 of the Food Standards Code.

**[12] Schedule 1, clause 11**

Omit the definition of *dairy building*. Insert instead:

*dairy building* means:

- (a) a building used for or in connection with the milking of milking animals for the purpose of producing milk that is supplied or to be supplied for profit or sale, or
- (b) a building on a dairy farm, that is used for, or in connection with, the packaging of unprocessed goat’s milk that is supplied or is to be supplied for sale.

**[13] Schedule 1, clause 12 (3)**

Insert “substantially” before “altered”.

**[14] Schedule 1, clause 13**

Omit “cows”. Insert instead “milking animals”.

**[15] Schedule 1, clause 14 (2)**

Omit “cows”. Insert instead “milking animals”.

**[16] Schedule 1, clause 15**

Omit the clause. Insert instead:

**15 Cooling or packaging of milk**

Milk harvested at dairy farms must, within 3 hours 30 minutes after the commencement of milking:

- (a) be processed or packaged, or
- (b) be cooled to a temperature that is 4 degrees C or less and must be kept at that temperature during storage at the premises.

**[17] Schedule 1, clause 16 (f) (i)-(iii)**

Omit the subparagraphs. Insert instead:

- (i) Standard 1.4.1 (Contaminants and Natural Toxicants),
- (ii) Standard 1.4.2 (Maximum Residue Limits),
- (iii) Standard 2.5.1 (Milk).

**[18] Schedule 1, clause 20 (3)**

Insert “substantially” before “altered”.

**[19] Schedule 1, clause 25 (2)**

Insert at the end of the clause:

- (2) This clause does not apply to milk that is processed or packaged within 3 hours and 30 minutes of milking.

**[20] Schedule 1, clause 29**

Omit the clause. Insert instead:

**29 Temperature and storage of milk and cream at factories**

- (1) When milk or cream is stored at a dairy produce factory pending processing, it must be kept at a temperature of not more than 5 degrees C unless it is processed within 3 hours and 30 minutes after the commencement of milking.

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- (2) When milk or cream is stored at a dairy produce factory where it will be packaged only, it must be kept at a temperature of not more than 5 degrees C prior to packaging unless it is packaged within 3 hours and 30 minutes after the commencement of milking.
- (3) After processing of milk or cream at a dairy produce factory and prior to packaging, the milk or cream must be kept at a temperature of not more than 5 degrees C.
- (4) Packaged milk and cream (other than commercially sterile products) must be cooled to and kept at a temperature of not more than 5 degrees C after packaging.
- (5) In this clause, **commercially sterile product** means a milk or cream product that has been heat treated sufficiently to render it free of:
  - (a) micro-organisms capable of reproducing in the food under normal non-refrigerated conditions of storage and distribution, and
  - (b) viable micro-organisms, including spores, of public health significance.

### [21] Schedule 1, clause 31

Omit the clause. Insert instead:

#### 31 Milk for manufacture

- (1) Milk and milk components used for the manufacture of dairy products for human consumption:
  - (a) must be pasteurised as required by Standard 1.6.2 (Processing requirements) of the Food Standards Code, and
  - (b) in the case of cow's milk or milk components—must not exhibit a phosphatase activity equivalent to that required to give a reading in excess of 10 ug/mL of p-nitrophenol when tested immediately after pasteurisation by the current standard method in Australian Standard AS 2300.1.10—1988: *Methods of chemical and physical testing for the dairying industry—General methods and principles—Determination of phosphatase activity*.



**[22] Schedule 1, clause 37**

Omit “ANZFA”. Insert instead “FSANZ”.

**[23] Schedule 1, clause 45H (1) (f)**

Insert “permanently” before “ceased”.

**[24] Schedule 1, clause 45J**

Insert “permanently” before “ceases”.

**[25] Schedule 1, clause 45M**

Insert after clause 45L:

**45M Transitional provision relating to goat and sheep dairy farmers and producers**

- (1) A person who, immediately before the relevant date, was carrying on any activity in relation to goat’s milk or sheep’s milk that is required after the relevant date to be authorised by a dairy farmer’s licence is, for a period of 6 months from the relevant date, taken to be the holder of such a licence that authorises the carrying on of that activity.
- (2) A person who, immediately before the relevant date, was carrying on any activity in relation to goat’s milk or sheep’s milk that is required after the relevant date to be authorised by a dairy produce merchant (dairy produce factory) licence is, for a period of 6 months from the relevant date, taken to be the holder of such a licence that authorises the person to carry on that activity.
- (3) Despite subclauses (1) and (2), Safe Food may exercise any of its powers under clause 45G or 45H in relation to a licence that is taken to be held under this clause.
- (4) In this clause, *relevant date* means the date of commencement of the *Food Production (Dairy Food Safety Scheme) Amendment (Goat and Sheep Dairy Products) Regulation 2003*.

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**[26] Schedule 1, clause 46**

Omit the clause. Insert instead:

**46 Industry consultation**

The following bodies are declared to be consultative bodies for the purposes of the consultation referred to in section 22 of the Act in respect of this Scheme:

- (a) in relation to cow's milk and cow dairy products—the New South Wales Dairy Industry Conference constituted by the Dairy Industry Act,
- (b) in relation to goat's milk or sheep's milk and goat or sheep dairy products—the New South Wales Goat and Sheep Milk Industry Conference.

**[27] Schedule 1, clause 47**

Omit "\$120" wherever occurring in clause 47 (1).

Insert instead "\$140".

BY AUTHORITY

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