



New South Wales

# Food Amendment (Raw Milk Products) Regulation 2018

under the  
Food Act 2003

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Food Act 2003*.

NIALL BLAIR, MLC  
Minister for Primary Industries

## Explanatory note

The objects of this Regulation are as follows:

- (a) to modify the dairy food safety scheme established by the *Food Regulation 2015* to require those who carry on a raw milk product manufacturing business or raw milk collection, delivery or transport business to hold a licence authorising the carrying on of the business,
- (b) to make it an offence under section 104 of the *Food Act 2003* for any person (not only a licensee, as is currently the case) to sell, deliver or supply any raw milk product unless the product has been treated, packaged and labelled in a manner that deters human consumption and such that the product could not reasonably be mistaken as suitable for human consumption.

This Regulation is made under the *Food Act 2003*, including sections 102 (food safety schemes) and 139 (the general regulation-making power).

## **Food Amendment (Raw Milk Products) Regulation 2018**

under the

Food Act 2003

### **1 Name of Regulation**

This Regulation is the *Food Amendment (Raw Milk Products) Regulation 2018*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Food Regulation 2015

### [1] Clause 59 Definitions

Omit the definition of *milk*. Insert instead:

*milk* means the mammary secretions of a milking animal (other than colostrum) obtained from one or more milkings and intended for:

- (a) human consumption as a liquid, or
- (b) further processing.

### [2] Clause 59

Insert in alphabetical order:

*raw milk* means mammary secretions of a milking animal (other than colostrum) that have not been processed in accordance with clause 15 (1) of Standard 4.2.4 of the *Food Standards Code*.

*raw milk product* means any product made from raw milk that is not intended for human consumption.

*raw milk product business* means a business that involves the operation of either or both of the following:

- (a) a raw milk product manufacturing business,
- (b) a raw milk product collection, transport or delivery business.

*raw milk product collection, transport or delivery business* means a business that involves any or all of the following:

- (a) the collection, for transport, on any scale of raw milk products for sale,
- (b) the transport on any scale of raw milk products for sale,
- (c) the delivery on any scale of raw milk products for sale.

*raw milk product manufacturing business* means a business that involves the manufacturing on any scale of raw milk products for sale, including any of the following:

- (a) the keeping, grazing, feeding and milking of animals,
- (b) the storage of milk on the premises at which the animals were milked,
- (c) processing of milk otherwise than in accordance with the processing requirements under Standard 4.2.4 of the *Food Standards Code*,
- (d) making raw milk products.

### [3] Clause 62

Omit the clause. Insert instead:

#### **62 Meaning of “dairy business”**

- (1) In the dairy food safety scheme, *dairy business* means:
  - (a) a food business involving any of the following:
    - (i) the operation of a dairy primary production business,
    - (ii) the operation of a dairy transport business,
    - (iii) the operation of a dairy processing business,
    - (iv) the operation of a dairy produce store (other than a dairy produce store that is operated on the same premises as a dairy processing business),

- (v) the collection and transport of milk from a dairy farm to a dairy produce store (other than a dairy produce store that is operated on the same premises as the dairy processing business) or to a vehicle vendor,
  - (vi) the collection and transport of goat's milk from a dairy farm to a wholesaler or retailer,
  - (vii) the collection and transport of dairy products from a dairy produce store to the premises of a dairy processing business or another dairy produce store or to a vehicle vendor, wholesaler or retailer,
  - (viii) the delivery of milk by vehicle and the sale of milk so delivered, or
- (b) a raw milk product business.
- (2) Subclause (1) (b) does not have effect until 3 months after the date of commencement of the *Food Amendment (Raw Milk Products) Regulation 2018*.

**[4] Clause 68 Milk to comply with certain requirements of Food Standards Code**

Omit "(Maximum Residue Limits)" from clause 68 (b). Insert instead "(Agvet chemicals)".

**[5] Clause 68A**

Insert after clause 68:

**68A Sale, delivery and supply of raw milk products by any person**

A person must not sell, deliver or supply any raw milk product unless it has been treated, packaged and labelled in a manner that deters human consumption and such that the raw milk product could not reasonably be mistaken as suitable for human consumption.

**[6] Clause 69 Sampling and testing of milk by certain dairy businesses**

Insert at the end of the clause:

- (2) The holder of a licence authorising the operation of a raw milk product collection, transport or delivery business must ensure that the following requirements are complied with in relation to raw milk collected for transport for sale, transported for sale or delivered for sale by the business:
- (a) a record must be made of the temperature of the raw milk,
  - (b) a sample of raw milk must be taken that is a representative sample,
  - (c) the sample must be taken, stored and transported under temperature control.

**[7] Clause 70 Certain dairy businesses to undertake analyses of certain dairy products**

Insert after clause 70 (1):

- (1A) The holder of a licence that authorises the operation of a raw milk product manufacturing business must, at the holder's own expense, ensure that the following are analysed in accordance with this clause:
- (a) samples of raw milk products that are handled in the course of the dairy business and are required to be analysed by the NSW Food Safety Schemes Manual,

- (b) samples of water that has not been supplied through a reticulated water system and that is used in connection with the production and processing of raw milk products in the course of the business.

Maximum penalty: 25 penalty units.

**[8] Clause 71 Reports of analyses**

Insert “or a raw milk product manufacturing business” after “business” in clause 71 (1).

**[9] Clause 72 Records to be kept by certain dairy businesses**

Insert “or a raw milk product manufacturing business” after “business”.

**[10] Schedule 3 Licence fees**

Insert after item 4 in the Table to Part 1:

5	Operation of raw milk product manufacturing business	For each premises where the activities are carried out:	
		(a)	0 to 5 food handlers engaged in the activities at the premises 441
		(b)	more than 5 but no more than 50 food handlers engaged in the activities at the premises 910
		(c)	more than 50 food handlers engaged in the activities at the premises 3,988
6	Operation of raw milk collection, transport and delivery business		328