

# Milk Pasteurization (Amendment) Bill 1982

## NOTES ON CLAUSES

*Clause 1* contains the usual citation and commencement provisions.

*Clause 2:* Sub-clause (1) inserts new interpretations for the words “bottle” and “milk”. The interpretation of milk excludes cream and goats milk in order to maintain the present status quo with regard to these products. It also excludes products that are subjected to methods of heat treatment that are satisfactory but which are significantly different from the methods of pasteurization set out in the Principal Act.

Sub-clause (2) inserts a new sub-section after section 3 (2) of the Principal Act. Proposed new sub-section (3) relates to the application of the Act, which is expressed to apply to milk, whether any thing has been added to it or removed from it.

*Clause 3* inserts two new sections after section 3 of the Principal Act.

Proposed new section 3A provides that where it is proven that a liquid product contains lactose and casein, the product is deemed to be milk unless the contrary is proven. These two substances are always present in cows milk and their presence can be proven by analytical procedures. On the other hand, it is virtually impossible for an analyst to certify that a product is cows milk because with modern technology, it is a relatively simple matter to manufacture a product with the same constituents as cows milk. The section also provides that where a product is represented as being milk, this will be prima facie evidence of that fact.

Proposed new section 3B provides that milk which has been pasteurized, sterilized or subjected to ultra heat treatment does not have to be pasteurized again.

*Clause 4* repeals sub-paragraphs (ii) to (vi) of section 7 (2) (b) of the Principal Act. These sub-paragraphs relate to provisions that are no longer required because of changes in the technology of milk pasteurization and changes in the methods of handling and packaging milk.

*Clause 5* inserts two new sections after section 7 of the Principal Act.

Proposed new section 7A (1) provides that “officer” includes a dairy supervisor and an inspecting officer within the meaning of the *Milk and Dairy Supervision Act 1958*.

Proposed new section 7A (2) sets out the powers of entry of officers.

Proposed new section 7A (3) requires the occupier of the premises to assist officers in the execution of their powers under this section.

Proposed new section 7A (4) makes it an offence to obstruct or hinder an officer in the exercise of his powers under sub-section (2).

Proposed new section 7A (5) sets out the grounds for a defence against prosecution for failing to provide information or documents.

Proposed new section 7B specifies the persons who may commence proceedings for an offence against the Act or the Regulations.

*Clause 6* increases the penalties set out in section 10 of the Principal Act. The maximum penalty for a first offence is increased from \$40.00 to \$500.00 (five penalty units) and the maximum penalty for a second or subsequent offence is increased from \$100.00 to \$1 000.00 (ten penalty units).