



VICTORIA  
GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 200]

TUESDAY, SEPTEMBER 1.

[1931

DEPARTMENT OF PUBLIC HEALTH, VICTORIA.

COMMISSION OF PUBLIC HEALTH.

*Health Act 1928.*

**REGULATIONS FOR SECURING THE CLEANLINESS  
OF FOOD AND ITS FREEDOM FROM CON-  
TAMINATION AND ADULTERATION.**

*At the Executive Council Chamber, Melbourne, the twenty-fifth  
day of August, 1931.*

PRESENT:

His Excellency the Lieutenant-Governor of Victoria.  
Mr. Pollard | Mr. McNamara.

**U**NDER the powers conferred by the *Health Act 1928* (No. 3697), and all other powers enabling him in that behalf, His Excellency the Lieutenant-Governor of the State of Victoria, with the advice of the Executive Council of the said State, doth hereby make the Regulations following (that is to say):—

SHORT TITLE, COMMENCEMENT, AND DIVISION.

1. These Regulations may be cited as the "Cleanliness (Food) Regulations 1931," shall come into operation on publication in the *Government Gazette*, and are divided into parts as follows:—

Part I.—Protection of Food from Contamination (r.r. 5-29).

Part II.—Personal Cleanliness, and Freedom from Disease, (r.r. 30-33).

Part III.—Carriage and Transport of Food (r.r. 34-35).

Part IV.—Breweries and Factories for the manufacture of beer, ginger-beer, hop-beer, or any similar beer, lemonade, cordials, soda water, lithia water, or other mineral water, or any artificially aerated water (r. 36).

Part V.—Bakehouses (r.r. 37-38).

Part VI.—Refrigerating Works and Cold Stores (r. 39).

Part VII.—Oysters and Shell-fish (r.r. 40-41).

Part VIII.—Butchers' Shops and the Transport and Storage of Meat (r.r. 42-46).

Part IX.—General and Supplementary (r.r. 47-49).

REPEAL.

2. All Regulations heretofore made relating to matters herein are hereby repealed.

3. In these Regulations, unless inconsistent with the context or subject-matter—

"Approved" means approved in writing.

"Butcher's shop" includes any building, store, shop, counter, stand, or place wherein or whereon meat is kept or deposited for sale.

- "Clean container" means any glass, china, porcelain, metal, or other approved receptacle for serving ice-cream or similar food, milk, beer, spirits, or any beverage which has been thoroughly cleansed by washing in clean hot water or clean running water, or by any other approved means, and maintained in a clean condition prior to service.
- "Commission" means the Commission of Public Health constituted under the Health Act.
- "Council" means council of a municipality, and "the council" means the council of the municipality to the municipal district of which the provision in which the term is used applies.
- "Inspector" means an inspector or other officer authorized in that behalf by the Commission or a Council.
- "Milk" includes cream.
- "Package" includes every means by which goods for carriage or for storage or for sale may be cased, covered, enclosed, contained, or packed; and "to pack" has a corresponding interpretation.
- "Premises" includes messuages, buildings, lands, and hereditaments of every tenure, and also any machinery, plant, appliance, or vehicle used in connexion with any trade carried on at any premises.
- "Proprietor" includes the owner, occupier, lessee, manager, or any person in control or in charge of any shop, factory, market, store, stall, stand, vehicle, licensed victualler's premises, boardinghouse, common lodging-house, eating-house, place, or premises where food is manufactured, stored, packed, prepared, sold, or served.
- "Sell" includes sell (whether by wholesale or retail) and barter or exchange; and also agreeing to sell, or offering or exposing for sale, or keeping or having in possession for sale, or sending, forwarding, delivering, or receiving for or on sale, or authorizing, directing, causing, suffering, permitting, or attempting any of such acts or things.
- "Single service container" means any prepared paper or other receptacle of a similar nature for serving ice cream or similar food, milk, or any beverage.
- "Washable overall" includes every external overall, coat, gown, or other suitable and proper garment made of cotton or linen or other material which may be washed and boiled without injury to the fabric.
- "Vehicle" includes every kind of vehicle used for the transport of food propelled by any kind of power drawn by animals or pushed or drawn by man.

#### APPLICATION OF REGULATIONS.

4. These Regulations shall apply to the production, handling, treatment, manufacture, preparation, preservation, cooking, serving, measuring, packing, storing, conducting, transport, and delivery of food sold for, or for sale for, or kept for sale for, or intended for sale for human consumption or use, and to all fittings, apparatus, instruments, utensils, receptacles, and vehicles used for the purpose of or in connexion with such production, handling, treatment, manufacture, preparation, preservation, cooking, serving, packing, storing, conducting, transport, and delivery, and (except where otherwise provided) shall have operation throughout the State.

#### PART I.—PROTECTION OF FOOD FROM CONTAMINATION.

5. The proprietor of every premises where food for sale is produced, handled, manufactured, prepared, cooked, served, packed, stored, sold, or kept shall—

- (a) maintain or cause to be maintained such premises, together with all fittings, apparatus, instruments, receptacles, and vehicles used in connexion with the production, handling, manufacture, preparation, cooking, serving, packing, keeping, storing, transport, or delivery of food at all times in a clean and sanitary condition;
- (b) provide an impervious receptacle in which all refuse which is offensive or likely to become offensive shall be placed with the least possible delay, and the contents of such receptacle shall be removed at least once in each week, or with such greater frequency as may be directed by the

inspector, and every such receptacle shall be provided with a properly fitting lid and kept in a place approved by the inspector, and after each emptying shall be thoroughly cleansed:

- (c) keep, or cause to be kept, all yards and sheds, outbuildings, and stables appurtenant to such premises at all times in a clean and sanitary condition;
- (d) not suffer poultry, horses, or other animals to be at large in any yard adjoining such premises, and shall provide at a place approved by the inspector in such yard a properly constructed and covered receptacle of suitable capacity, into which shall be placed daily all animal droppings and stable refuse, and such receptacle shall be emptied at least once in every week, or with such greater frequency as may be directed by the inspector;
- (e) maintain, or cause to be maintained, all buildings on such premises in such condition as to prevent the ingress of rats, mice, and other animals which may destroy or contaminate food, and shall take all practicable measures for the destruction of such rats, mice, and other animals which are on his premises;
- (f) protect, or cause to be protected, at all times all food therein from flies and other insects, animals, dirt, offensive fumes, contaminating substances, and, as far as practicable from dust: Provided that it shall not be deemed to be a contravention of this regulation if the foods hereunder indicated are not protected from flies and other insects, and dust—
  - (i) raw vegetables which are usually cleansed and/or cooked before use;
  - (ii) grain, and other vegetable substances which must undergo some manufacturing process before being suitable for consumption;
  - (iii) raw fruits which are usually peeled before being eaten, or which have an inedible cortex.
- (g) cause such premises to be effectively ventilated.

6. No person, whether as principal or employee, shall change or receive back any bread, meat, fish, butter, or milk previously delivered at any dwelling except for the reason that such food is unfit for consumption.

7. No person shall sell, serve, manufacture, prepare, pack, store, or keep food in any room or place—

- (a) which is at any time used as a sleeping apartment or which is in direct communication with a sleeping apartment or in which there is any bed; or
- (b) in which any work is carried on that would in the opinion of the Council be likely to contaminate such food or injuriously affect its wholesomeness or cleanliness; or
- (c) in which any animal or bird is kept or to which it is allowed access; or
- (d) in which such food would be liable to contamination by reason of its proximity to or connexion or communication with any sanitary convenience or any stable or any room or building in which any animal or bird is kept or to which it is allowed access.

8. Every person who sells any food directly to any purchaser or for delivery by any means to any place shall pack such food so as to effectually protect it from flies, dust, or any source of contamination: Provided that this Regulation shall not apply to vegetables.

9. No person shall prepare, cook, store, pack, or carry any food for sale in such a way that it may come in contact with any contaminating matter or with any paper or other material on which there is any writing or printing: Provided that this Regulation shall not be deemed to prohibit the wrapping of vegetables in clean printed paper.

10. No person shall pack any food for sale in any package which may impart any odour or stain to the food contained therein or which is not free from dirt, particles of food, poisonous or contaminating matter, moulds, vermin in any stage of development, or the eggs of vermin.

11. No person shall spit or breathe on any fruit or other food, or use for the purpose of wiping or polishing any fruit or other food any material, other than a suitable and clean wiper kept solely for the purpose.

12. No person shall blow with the breath into any paper bag or other container preparatory to its use as a receptacle for food, or wet the fingers by means of the lips or tongue to facilitate the handling of paper bags or other containers or receptacles for food.

13. No person shall use any bag, sack, or other receptacle which has at any time contained bonedust, superphosphate, or other fertilizer or manure, or any poisonous, filthy, or contaminating matter, for the purpose of holding, carrying, or storing, wheat, oats, maize, potatoes, onions, vegetables, fruit, or other produce.

14. No person shall use any unclean case, basket, or other receptacle for containing, packing, or carrying fish.

15. No person shall carry on the business of preparing second-hand or previously used bottles, tins, or other receptacles for sale as containers for food unless and until the premises where such containers are stored and the methods of cleansing and treatment have been approved by the Council.

16. (1) No person shall put any disinfectant or any poisonous, odorous, filthy, offensive, or other contaminating matter in any bottle or other package ordinarily used to contain food.

(2) No person shall use any bottle or other package having the name of any food, drug, or substance permanently marked or embossed thereon except for the purpose of putting therein the food, drug, or substance corresponding to the name marked or embossed.

17. The proprietor of every licensed victualler's premises, common lodging-house, boarding-house, eating-house, booth, stall, stand, or other place where plates, eating and drinking vessels, spoons, forks, knives, or other articles are in common use shall—

- (a) cause such plates, vessels, spoons, forks, knives, and other articles to be thoroughly cleansed forthwith after use, and to be kept clean until again required for use;
- (b) in the preparation or serving of food not use, or permit or suffer to be used, any glassware, earthenware, chinaware, metal, or other vessel or appliance that is cracked, broken, chipped, dented, or is otherwise so impaired as to prevent its being readily and thoroughly cleansed;
- (c) where water under pressure from any source is available or can reasonably be made available, complete, or cause to be completed, the cleansing of all drinking glasses with clean running water;
- (d) where water under pressure is not available or cannot reasonably be made available, provide, or cause to be provided, to the approval of the inspector, such means of cleansing drinking glasses as will ensure cleanliness and freedom from contamination; and
- (e) when required by notice in writing from the Council forthwith provide—
  - (i) a suitable and proper sink where the premises are sewered; and
  - (ii) such means as are specified in the notice for the efficient cleansing of drinking glasses.

18. The proprietor of every eating-house, boarding-house, licensed victualler's premises, or other place where meals or refreshments are supplied shall—

- (a) not again serve or allow to be again served any food that has been once served to any customer and returned to the kitchen or servery;
- (b) not supply any customer with an unclean serviette or a serviette that has been used by any other person until such serviette has been washed and cleansed;
- (c) destroy or cause to be destroyed all paper serviettes forthwith after use.

19. No cook or other person engaged in the serving or portioning out of food for immediate consumption by other persons shall touch such food with his hand.

20. No person shall use any wash-copper or other vessel for the purpose of heating water for sterilizing or cleansing milk cans or other receptacles which have contained or are intended to contain food unless and until such wash-copper or vessel has been thoroughly cleansed.

21. No person shall use—

- (a) any vessel for containing milk which is not so manufactured as to allow every internal part of it to be thoroughly cleansed; or

- (b) any milk measure for supplying milk to purchasers unless such measure is in good order and is provided with a handle that will enable measuring and delivery to be made without risk of the milk coming into contact with the hand of the supplier.
22. No person shall use or cause, allow, or suffer to be used—
- (a) any rag, canvas, paper, or other absorbent material for closing or helping to close the lid or cover of any vessel containing milk; or
- (b) any soap, putty, grease, rag, paper, wood or other substance whatsoever for temporarily stopping any hole or leak in any vessel used for the purpose of containing milk.
23. No person shall carry or convey water in any vehicle which is being used for the retail delivery of milk, nor shall any person put ice into any can or vessel used for containing milk for sale.
24. No dairy farmer or other person shall consign or send, or cause or suffer, or permit to be consigned or sent any milk to a milk vendor in any can or vessel which has not his name and address and the name and address of such milk vendor legibly inscribed or embossed thereon, or upon a suitable label attached thereto.
25. (1) Every dairy farmer or other person who consigns or sends milk to a milk vendor in a can or vessel shall, prior to dispatch, cause the lid or cover to be securely affixed to the can or vessel by means of a cord or wire and a metal seal.
- (2) Every such seal shall be legibly impressed with not less than two distinctive capital letters which shall be the initials of the name of the dairy farmer or consignor of the milk, and the lid or cover shall be affixed to the can or vessel in such a manner that the cord or wire or seal shall be cut or broken by the act of removing or opening such lid or cover.
26. (1) No person shall fill or partly fill any bottle with milk for sale unless such bottle has been thoroughly cleansed with a suitable brush or other efficient appliance and sterilized with hot water, steam or hot air, nor unless such bottle is clean and sterile internally immediately before filling.
- (2) Every bottle containing milk for sale shall be sealed in such a manner as to protect the milk from contamination by dirt, dust, insects, or any other means, and no sealing shall be done except at a registered dairy.
- (3) Every seal shall be applied to the bottle by means of a clean mechanical appliance, and such seal shall not be touched by the hand during the process of sealing.
- (4) Every seal shall be clean, and shall be protected from contamination from the opening of the original package containing the seals to the completion of the sealing process.
- (5) "Seal" for the purposes of this Regulation includes any cover used or intended to be used for closing the mouths of bottles containing milk for sale.
27. No person engaged in the manufacture, preparation, carriage, or sale of ices or ice-cream shall permit or suffer any appliance, apparatus, or vessel used in the manufacture, preparation, carriage or sale of the same to be used again or for any other purpose until such appliance, apparatus, or vessel is thoroughly cleansed, or permit his hands or any other part of his person to come in contact with such ices or ice-cream.
28. Every person who sells by retail for immediate consumption any ice-cream or similar food, milk, or any beverage in a single-service container shall—
- (a) effectively protect all single-service containers from contamination prior to service; and
- (b) destroy or cause to be destroyed every single-service container forthwith after use by any customer.
29. All appliances and means provided for the protection of food from contamination upon any premises wherein any food is served, prepared, manufactured, stored, or handled shall be constantly and properly used and applied by the proprietor and by every employee; and any person wilfully damaging, destroying, removing, or rendering inoperative appliances, conveniences, or means provided for the protection of food from contamination shall be guilty of an offence against these Regulations.

## PART II.—PERSONAL CLEANLINESS.

30. Every person engaged in the sale, preparation, serving, packing, cooking, carriage, or delivery of food liable to contamination by handling shall—

- (a) when so engaged, keep and maintain his clothing, hands, finger-nails, and body clean;
- (b) thoroughly cleanse his hands by washing immediately before commencing work and immediately after visiting a sanitary convenience;
- (b) when so engaged in respect of bread, cakes, pastry, and similar foods, fish, meat, meat products, milk, butter, and other dairy produce, and any other food specified by the Council, at all times wear a clean washable overall which shall effectively prevent such foods from coming in contact with any portion of his or her ordinary clothing: Provided that the provisions of this paragraph shall not apply to any person so engaged when such foods are so packed as to be effectively protected against contamination by contact with clothing.

31. No person shall smoke or chew tobacco or spit in any place where food liable to contamination by smoking, chewing, or spitting is manufactured, prepared, packed, handled, cooked, served, or stored.

32. No person who is a carrier of disease, or who is suffering from any infectious disease, venereal disease, cancer, open sore, or any inflammatory or communicable affection of the skin, or who is wearing unclean bandages, shall engage in the manufacture, preparation, handling, cooking, packing, storage, carriage, or delivery of any food liable to contamination by handling; nor shall he handle, whether for cleansing or other purposes, any vessel, receptacle, package, utensil, instrument, or thing used in the manufacture, preparation, handling, cooking, packing, storage, carriage, or delivery of any such food.

33. The proprietor of every premises where food liable to contamination by handling is manufactured, prepared, cooked, served, delivered, packed, kept, or stored shall provide for the use of his employees wash-hand basins in the ratio of one to every ten employees, or such other lavatory system as may be approved by the Council, and shall maintain for use therein an adequate supply of water, soap, nail-brushes, and clean towels.

## PART III.—CARRIAGE AND TRANSPORT OF FOOD.

34. No person shall use any vehicle or receptacle for the transport, delivery, or carriage of food unless such vehicle or receptacle is clean and incapable of imparting any taint, odour, stain, or contamination to any food therein.

35. No person shall use for the carriage of food any horse or other animal which is so diseased or so affected or in such a state of filth as to render it likely to convey infection or contamination to the hands of such person or to such food.

## PART IV.—BREWERIES AND FACTORIES FOR THE MANUFACTURE OF BEER, GINGER BEER, HOP BEER, OR ANY OTHER SIMILAR BEER, LEMONADE, CORDIALS, SODA WATER, LITHIA WATER, OR OTHER MINERAL WATER, OR ANY ARTIFICIALLY-AERATED WATER.

36. The proprietor of every premises used for the manufacture or preparation of beer, ginger-beer, hop-beer, or any similar beer, lemonade, cordials, soda water, lithia water, or other mineral water, or any artificially-aerated water, shall cause—

- (a) every tank (or other receptacle) in which water is stored for use in the manufacture of any of the beverages mentioned in this Regulation to be provided with an impervious closely-fitting cover which shall always be kept properly applied except when its removal is required for cleansing or other necessary purpose;
- (b) every such tank or other receptacle to be emptied and cleansed throughout at least twice in every twelve months or oftener if the Council so directs in writing;
- (c) all bottles prior to filling—
  - (i) to be soaked in water;
  - (ii) to be thoroughly cleansed out with a brush;
  - (iii) to be well rinsed by being placed in a vertical and inverted position over a jet of clean water;

- (iv) to be carefully examined for soundness and evidence of contaminating substances; and
- (v) to be well drained after rinsing and before filling;
- (d) the water in which bottles are soaked before being brush-cleaned to be changed at least once daily; and
- (e) bottles after being cleansed to be kept in a vertical and inverted position until used.

## PART V.—BAKEHOUSES.

37. (1) The proprietor of every bakehouse shall provide a suitable place for employees to keep and change their clothing.

(2) Every person shall whilst working in a bakehouse wear a clean washable overall.

38. No person shall use any bakehouse for any purpose other than that connected strictly with the preparation and baking of food.

## PART VI.—REFRIGERATING WORKS AND COLD STORES.

39. The proprietor of every refrigerating premises or cold stores premises, or of any part of such premises shall not—

- (a) suffer or permit to be placed in or allow to remain in any chamber in which eggs or milk are stored anything that is likely to impart an odour to or to contaminate such eggs or milk;
- (b) store or suffer to be stored upon the floor of any chamber any food unless it is packed or protected in such a manner as to effectually protect it from any dirt or contamination;
- (c) receive or suffer to be received any unwholesome food or offensive matter for storage on the premises or allow any unwholesome food or offensive matter to remain on such premises; or
- (d) suffer or permit straw to be used upon the floor of any chamber of such premises, unless the same is clean and is renewed daily.

## PART VII.—OYSTERS AND SHELL-FISH.

40. The proprietor of any premises where oysters or other shell-fish are sold or prepared for sale shall not—

- (a) use or permit other than clean running water to be used in the operation of opening or dipping such oysters or other shell-fish;
- (b) store or permit oysters or other shell-fish to be stored in any place or manner which may detrimentally affect their wholesomeness; or
- (c) use or permit second-hand or previously-used bottles or containers to be used to hold oysters or other shell-fish unless such bottles or containers have been thoroughly cleansed and sterilized by boiling, and have been provided with new tightly-fitting caps, corks, or covers.

41. No person shall sell, or have in his possession for sale, oysters or other shell-fish taken from beds which are polluted or liable to pollution by drainage or sewage.

## PART VIII.—BUTCHERS' SHOPS AND THE TRANSPORT AND STORAGE OF MEAT.

42. The proprietor of every butcher's shop shall—

- (a) cause every compartment used for containing meat to be made fly-proof: Provided that where the shop as a whole is flyproof it shall not be necessary to render each compartment flyproof;
- (b) cause all windows to be made of glass: Provided that closely-fitting flyproof wire gauze may be substituted for glass;
- (c) cause every external doorway to be provided with a closely-fitting, self-closing and flyproof door, and cause such door to be kept closed except when in use for the purposes of ingress or egress;
- (d) cause such shop to be provided with adequate means of ventilation;
- (e) cause all means of ventilation to be at all times in operation to the approval of the inspector;
- (f) not suffer or permit any bones or waste matter of any kind to be kept or to remain for longer than eight hours in any room or on any floor in or on which any process of preparation of meat or of fat is or usually is carried on;

- (g) cause all waste matters to be placed in a suitable covered receptacle provided for the purpose and removed daily;
  - (h) not use or suffer or permit any vessel or other apparatus used in connexion with the cooking of meat to be used for any other purpose;
  - (i) not place or suffer or permit any meat or vessel or utensil used for containing or holding meat to be placed or remain upon any public road or footpath;
  - (j) not use or suffer or permit any vessel or utensil to be used for the preparation, delivery, storage, or sale of meat unless such vessel or utensil is clean and in good sanitary condition;
  - (k) cause all meat to be stored out of or protected from the direct rays of the sun;
  - (l) cause all meat for carriage by rail or common carrier to be so packed as to exclude dust and flies;
  - (m) cause all baskets and trays used for the holding or conveyance of meat to be thoroughly cleansed daily;
  - (n) not allow, permit, or suffer any dog or other animal to remain in any room where meat is stored or sold;
  - (o) not use or permit any brine-tub to be used for pickling meat unless it is so constructed of hardwood, cement, earthenware or other approved material as to be watertight and capable of being thoroughly cleansed.
43. No person shall use any vehicle—
- (a) for retail delivery of meat or for retail sale of meat from such vehicle unless the compartment in which the meat is carried is properly ventilated and the meat is protected from flies, sun rays, and as far as practicable from dust; or
  - (b) for the wholesale transport of carcasses or meat unless the vehicle is so constructed as to provide for proper ventilation of the carcasses or meat and for protection of same from flies, sun rays, and as far as practicable from dust.

44. Every person engaged in the retail delivery of meat or retail sale of meat from any vehicle shall keep the door of the compartment in which the meat is carried closed at all times except when removing meat for delivery or serving customers.

45. The proprietor of every vehicle used for the transport, sale, or delivery of carcasses or meat shall, at the expiration of each day on which such vehicle is used, thoroughly cleanse the vehicle or cause the vehicle to be thoroughly cleansed, and (if straw is used therein) furnish or cause to be furnished a fresh supply of straw daily.

46. No person shall handle any carcass or part of a carcass unless he is wearing a clean washable overall, and no person shall carry any carcass or part of a carcass on his shoulder unless such carcass or part is protected from coming in contact with his head by means of a cap, shoulder shield, or other effective appliance.

#### PART IX.—GENERAL AND SUPPLEMENTARY.

47. The proprietor of every premises wherein any food is manufactured, prepared, packed, handled, sold, or stored, shall display and keep displayed a clean legible copy of these Regulations (or of such provisions of these Regulations as are applicable in the circumstances) in such position or positions as to be readily read by all customers and employees.

48. The council of every municipality shall and is hereby required to superintend and see to the execution of these Regulations, and at its own cost do and provide all such acts, matters, and things as are necessary for such purposes.

49. Any person doing any act forbidden to be done or failing to do any act directed to be done by these Regulations shall be guilty of an offence against these Regulations, and shall be liable to a penalty of not more than Twenty pounds, and in the case of a continuing offence a further daily penalty of not more than Five pounds; but so that the total of such penalties shall not exceed One hundred pounds.

And the Honorable Robert Williams, His Majesty's Minister of Public Health for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,  
Clerk of the Executive Council.