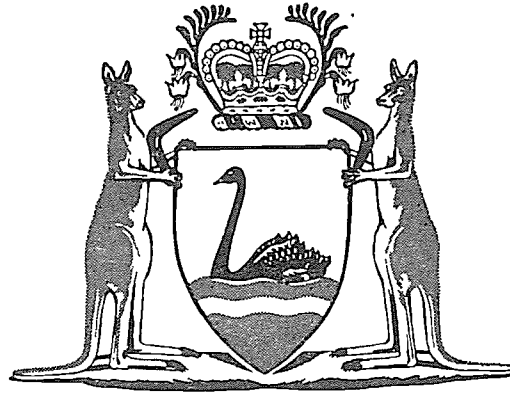


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DAIRY INDUSTRY ACT, 1973

DAIRY INDUSTRY REGULATIONS,
1977

DAIRY INDUSTRY ACT, 1973.

Department of Agriculture,
South Perth, 6th July, 1977.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Dairy Industry Act, 1973, has been pleased—

(a) to revoke the following regulations—

- (i) Dairy Industry Act Regulations published in the *Government Gazette* on the 4th May, 1951 and all amendments thereto;
- (ii) Dairy Industry Act (Dairy Industry Authority) Regulations, 1974, published in the *Government Gazette* on the 10th May, 1974 and all amendments thereto;
- (iii) Dairy Produce Premises Registration Regulations, 1974, published in the *Government Gazette* on the 3rd May, 1974;
- (iv) Dairy Products Marketing Regulation Act Regulations published in the *Government Gazette* on the 8th March, 1935 and all amendments thereto;
- (v) Milk Act Regulations as reprinted and published in the *Government Gazette* on the 28th July, 1971 and all amendments thereto; and

(b) to make the regulations set out in the Schedule hereto.

E. N. FITZPATRICK,
Director of Agriculture.

SCHEDULE.

DAIRY INDUSTRY REGULATIONS, 1977

PART I.—PRELIMINARY.

1. These regulations may be cited as the Dairy Industry Regulations, 1977.
2. These regulations are divided into Parts as follows:—
 - Part I.—Preliminary.
 - Part II.—Dairy Industry Authority.
 - Part III.—Standards for Milk and Dairy Produce.
 - Part IV.—Registration of Premises.
 - Part V.—Conditions Relating to Dairies.
 - Part VI.—Classification and Grading of Milk and Dairy Produce.
 - Part VII.—Bulk Milk.
 - Part VIII.—Dairy Produce Premises and the Handling and Storage of Milk and Dairy Produce.
 - Part IX.—Long Storage of Dairy Produce.
 - Part X.—Packing and Labelling.
 - Part XI.—Sale and Delivery of Milk and Dairy Produce.
 - Part XII.—Certificates of Competency.
 - Part XIII.—Powers of Inspectors, etc.
 - Part XIV.—Penalties.
 - Schedules.
3. (1) In these regulations unless the contrary intention appears—
 - “approved” means approved in writing by the Chief, Division of Dairying or by an Inspector and “approval” has a corresponding meaning;
 - “Australian Code of Practice for Dairy Factories” means the code of practice for dairy factories prepared by the Chief Dairy Officers Committee of the Commonwealth Government and the State Governments;
 - “bulk milk tank” means any approved vessel which is used to hold milk in a dairy prior to collection by a milk tanker;

- "Chief Dairy Officers Committee" means that body formed by members who are recognised as the Chief Dairy Officers of the Commonwealth Government and each State Government;
- "clean" means to be visually free of any substance which may contaminate milk or dairy produce and "cleaning" and "cleansed" shall have corresponding meanings;
- "consignment" means any quantity of milk, cream or dairy produce which is supplied at one time;
- "dairy" includes any milking shed, milk room, plant room, building, yard or appurtenance used in connection with milking;
- "domestic animal" includes any dog or cat;
- "effluent" means any fluid or solid waste and washings from any dairy produce premises;
- "Form" means a form in a Schedule to the regulations;
- "inhibitory substance" means any substance which may inhibit the life processes of any micro-organism that is or may be present in or introduced into milk or dairy produce and includes any substance used as an inhibitory substance which may be detected in milk or dairy produce by an approved method;
- "long storage of dairy produce" means storage of dairy produce under such terms and conditions as are determined from time to time by the Authority to be applicable for the long storage of dairy produce;
- "milking plant" includes any milking machine, milk pumping, cooling and storage equipment, separator and any other plant, equipment and utensil with which milk comes into contact in a dairy;
- "milk tanker" means an approved insulated tank mounted upon a vehicle and includes those fitted with approved appurtenances for receiving milk from a bulk milk tank and for keeping samples of milk;
- "packing place" means any dairy produce premises, not being a dairy produce factory, where dairy produce is packed;
- "pasteurisation" means the heat treatment of milk and dairy produce in accordance with these regulations and "pasteurised" shall have a corresponding meaning;
- "plant room" means that part or parts of the dairy provided for housing the water heater, vacuum pumps and motor and for storage of detergents, sanitisers and spare parts essential to the operation of the dairy;
- "premises" means those premises set out in a certificate of registration issued in accordance with these regulations;
- "refrigerated bulk milk tank" means a bulk milk tank that conforms with Australian Standard 1187;
- "register" means the Register of Dairy Produce Premises prescribed in these regulations;
- "regulation" means one of these regulations;
- "seal" includes any cover used or intended to be used to close the opening of a bottle, carton or container of milk or dairy produce, and "sealed" means the closure of the opening of a bottle, carton or container in any manner;
- "section" means a section of the Act;
- "Schedule" means Schedule to these regulations;
- "significant surfaces" means surfaces in direct contact with milk or dairy produce or from which liquids may drain, drip or be drawn into the milk, or dairy produce and in milking machines shall include the interceptor and air lines;
- "Tanker Driver Milk Grader" means a person holding a Tanker Driver Milk Grader's Certificate in the form of Form 16 in these regulations.
- "the Act" means the Dairy Industry Act, 1973;
- "undesirable chemical substance" includes any pesticide used to destroy, control or repel any form of unwanted plant or animal life or any chemical substance which may have a deleterious effect upon cattle, livestock, milk or dairy produce;

"yard" means that part of the dairy used for holding livestock for the purposes of milking, breeding or veterinary treatment and includes any calf feeding area, livestock races and ramps within ten metres of the dairy, and "yards" shall have a corresponding meaning.

(2) The standards and provisions of Parts A, H and J, of the Food and Drug Regulations of the Health Act, 1911, are adopted under these regulations as standards and provisions of these regulations, except where such a standard or provision is inferior to any standard or provision contained in these regulations, in which case the standard or provision contained in these regulations shall apply.

PART II.—DAIRY INDUSTRY AUTHORITY.

4. The Chairman of the Authority shall be paid a fee of \$2 500 per annum and the remaining members of the Authority other than the member representing the Department shall each be paid \$1 250 per annum.

5. In addition to the fees payable under regulation 4 of these regulations, members of the Authority (other than the member representing the Department) when attending a meeting of the Authority or when engaged on business of the Authority shall be paid travelling allowance and motor vehicle allowance on the same scale and under the same conditions applicable from time to time to officers of the Public Service of the Government of Western Australia but no such allowance or transport expenses shall be payable unless the approval of the Authority was obtained before a member engaged on any business of the Authority other than attendance at an Authority meeting.

6 (1) Subject to subregulations (2) and (3) of this regulation the members of the Quota Appeals Committee shall, for services rendered as such, by attendance at meetings or otherwise, be paid a fee of forty-five dollars for each full day and thirty dollars for each half day or part thereof.

(2) Where a government officer whose duties in that capacity are directly related to the functions of the committee is a member, no fee is payable to him for services rendered as such.

(3) Where a government officer whose duties in that capacity are not directly related to the functions of the committee is a member, he shall, for services rendered as such, be paid 50% of the fee prescribed in subregulation (1) of this regulation.

(4) Members of the Quota Appeals Committee shall be paid for travelling allowances and motor vehicle allowance in accordance with the State Public Service conditions relating thereto.

7. (1) The form of the common seal of the Authority is:



(2) The Manager of the Authority shall hold the Seal in safe custody and available for use where the Authority by resolution directs that it be affixed to any document.

(3) Where a document required to be under the Seal relates to a matter which the Chairman considers to be formal or of especial urgency the Chairman may direct that the Seal be affixed thereto by the Manager but the Chairman shall report to the Authority at the first opportunity stating the reason for so directing.

(4) The affixing of the Seal shall be attested by the Chairman or some other member of the Authority and by the Manager.

8. Where a vacancy occurs, or is about to occur, in the office of a member of the Authority nominated by the Minister pursuant to paragraph (b), paragraph (c), or paragraph (d) of subsection (2) of Section 11 of the Act, the Minister shall invite such of the bodies as are entitled pursuant to that section so to do to submit to him, on or before a day specified by him, the names of not less than three persons as being the names of persons possessing relevant experience or qualifications and willing to act as members of the Authority and the Minister shall select from the names so submitted a person for recommendation to the Governor and appointment by the Governor as a member of the Authority to fill that vacancy.

9. (1) In accordance with the requirements of the Act, the form to be used for the purpose specified in the first column of the First Schedule shall be the form specified in the second column and the fee or other moneys payable shall be the amount specified in the third column.

(2) An application for the renewal of a licence shall be made as though it were an application for the grant of a new licence.

(3) For the purposes of these regulations—

- (a) a person who carries on the business of distributing and selling milk from a vehicle shall be required to be the holder of a milk vendor (vehicle) licence in Form D for each district concerned; and
- (b) a person who sells milk from any premises, otherwise than by retail in a shop, shall be required to be the holder of a licence to operate a store in Form F or a licence to operate a dairy produce factory in Form G.

10. A person who knowingly furnishes false or misleading information in relation to any application made or licence granted under these regulations commits an offence.

Penalty: Two hundred dollars.

11. Where the Authority proposes to cancel a licence pursuant to section 57 of the Act a notice in writing signed by the Manager on behalf of the Authority, notifying the holder of the licence of the grounds upon which the Authority proposes to cancel the licence, shall be served upon the holder of the licence.

12. An appeal against the cancellation of a licence or the refusal of an application by the Authority pursuant to section 57 of the Act shall be made by way of complaint laid not later than thirty days after service of the notification of the decision of the Authority.

13. Every person holding a licence under the Act, shall as and when required by the Authority—

- (a) furnish to the Authority such returns as the Authority may require relating to the production, receipt, purchase, delivery, treatment, or sale of milk and dairy produce handled by such person;
- (b) permit the Authority to have access to and make extracts from all books, documents and records relating thereto.

14. Every milk vendor shall keep complete records indicating—

- (a) the quantity of milk purchased and received by him on every day from dairymen;
- (b) the quantity of milk supplied, sold and distributed by him on every day to consumers and the Dairy Area and District in which those consumers are situated; and
- (c) the names and addresses of the persons from whom he acquired the milk so supplied or distributed.

15. Every holder of a licence under the Act shall keep and maintain complete records from day to day—

- (a) of the quantities of milk and dairy produce produced, manufactured, purchased, sold, packed or treated by him;
- (b) of the names and addresses of persons to whom milk and dairy produce is sold by him and the quantities sold to each person and of persons for whom milk and dairy produce is treated or manufactured by him and the quantities treated or manufactured for each person;
- (c) of the amounts received or charged in account by him in respect of every sale, treatment, or manufacture of milk and dairy produce; and
- (d) of the gross proceeds derived by him from the carrying on of his business in the exercise of his licence or licences.

16. On or before the seventh day of every calendar month or as and when required by the Authority every holder of a licence or licences under the Act shall deliver to the Authority at its office a return in writing on a form provided by the Authority and signed by the licensee, showing separately—

- (a) the quantity of milk and the quantity of dairy produce produced, purchased, sold, packed, treated or manufactured by him during the immediately preceding calendar month; and
- (b) any other particulars which the Authority may require relating to milk and dairy produce produced, purchased, sold, packed, treated, or manufactured by him during the immediately preceding calendar month.

17. A licensee shall not make or allow to be made any entry in his books or other records, or deliver or allow to be delivered to the Authority any return which is false in any material particular.

18. The Authority shall furnish to the Department a monthly statistical summary and details in the form determined by the Department from time to time, as soon as practicable after the end of each month.

PART III.—STANDARDS FOR MILK AND DAIRY PRODUCE.

19. The method of examination or analysis to determine the quality or composition of milk or dairy produce under these regulations shall, unless otherwise prescribed, be a method as described in publications by the Standards Association of Australia referred to as—

Methods for the analysis of liquid milk and cream	AS 1084
Methods of microbiological examination of dairy products and for dairy purposes	AS 1095
The determination of the freezing point of milk	AS 1151

except that the butterfat content of milk or cream may also be determined by the method described in the publication entitled "Official Methods of Analysis of the Association of Official Analytical Chemists", 12th Edition, Washington, U.S.A., 1975, and referred to as 16.055 Roesse-Gottlieb Method or 16.138 Roesse-Gottlieb Method.

20. (1) Milk supplied for sale, or sold, shall comply with the standards set out in this regulation and—

- (a) shall contain not less than 3.2 per centum of butter fat and not less than 11.75 per centum of total solids;
- (b) have a freezing point, when determined by an approved method of analysis, between 0.540 degrees Celsius below zero and 0.560 degrees Celsius below zero;
- (c) shall not contain—
 - (i) any added water;
 - (ii) any penicillin or other inhibitory substance;
 - (iii) any pathogenic organisms;
 - (iv) more than three hundred thousand micro-organisms in one millilitre; or
 - (v) any other added substance; and
- (d) shall, when subjected to an Australian Standard method of analysis or examination, comply with a quality standard approved by the Chief, Division of Dairying, for that Australian Standard method.

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(2) Pasteurised milk is milk that has been efficiently heat treated by the holding method or by the high temperature short-time method respectively described as follows—

- (a) "the holding method"—the temperature of the milk is raised to not less than 63°C and not more than 66°C for at least 30 minutes, and then immediately and rapidly reduced to 4°C or less and maintained at that temperature with protection from contamination; or
- (b) "high-temperature short-time method"—the temperature of the milk is raised to not less than 72°C and not more than 79°C, and retained at that temperature for at least 15 seconds, and then immediately and rapidly reduced to 4°C or less and maintained at that temperature with protection from contamination,

but milk shall not be deemed to be efficiently heat-treated if, when subjected to the Aschaffenburg and Mullen Method for the phosphatase test it gives a reading exceeding 10 Lovibond units on the APTW7 disk after two hours' incubation.

(3) Pasteurised milk shall not—

- (a) when subjected to the Methylene Blue reductase test completely decolourise the methylene blue solution in less than 5 hours;
- (b) when subjected to any one of the tests for coliforms as described in Australian Standard 1095.3.1—1973, give evidence of coliforms in 1.0 ml;
- (c) contain more than 50 000 micro-organisms in 1.0 ml when determined by the plate count method.

(4) Skimmed, skim, separated or non-fat milk is milk from which the milk fat has been removed by skimming or mechanical process which contains not less than 8.8 per cent of non-fatty milk solids and not more than 0.15 per cent of milk fat and conforms with the requirements of paragraph (c) of subregulation (1) of this regulation.

(5) Pasteurised skimmed, skim, separated or non-fat milk is skim milk which has been efficiently heat treated in accordance with subregulation (2) of this regulation.

(6) Flavoured skimmed, skim, separated or non-fat milk is skim milk to which has been added harmless flavouring substances, with or without—

- (i) sugar;
- (ii) permitted colouring;
- (iii) mono- or di-glycerides of fat forming fatty acids;
- (iv) alginates;
- (v) gelatine; and
- (vi) non-fatty milk solids.

(7) Reduced fat milk is milk from which a portion of the milk fat has been removed by skimming or mechanical separation, which shall contain not less than 8.6 percent of non-fatty milk solids, and not more than 2.5 percent nor less than 1.5 percent of milk fat, and shall also conform with the requirements of paragraph (c) of subregulation (1) of this regulation.

(8) Pasteurised reduced fat milk is reduced fat milk which has been efficiently heat treated in accordance with subregulation (2) of this regulation.

(9) Flavoured reduced fat milk is reduced fat milk to which has been added harmless flavouring substances, with or without—

- (a) sugar;
- (b) permitted colouring;
- (c) mono- or di-glycerides of fat forming fatty acids;
- (d) alginates;
- (e) gelatine; or
- (f) non-fatty milk solids.

(10) Homogenised pasteurised milk is milk which, immediately before or during pasteurisation, has been treated in such a manner as to reduce the size of the fat globules so that after a quantity of homogenised milk is held in quiescent storage at 2-5°C for 48 hours the fat content of the top 10 percent of the milk does not exceed the fat content of the remainder of the milk by more than 12 per cent, but which otherwise complies with the standard for pasteurised milk.

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(11) Recombined milk—

- (a) is the product prepared from the constituents of milk and drinking water of an approved quality, with or without milk or pasteurised milk, which product has been efficiently heat-treated by one of the methods described in subregulation (2) of this regulation;
- (b) shall contain not less than 3.2 per cent of milk fat, and not less than 8.5 percent of non-fat milk solids; and
- (c) shall conform to the tests described in subregulation (3) of this regulation.

21. (1) Cream supplied for sale or sold shall not—

- (a) contain any foreign substance, except as specifically prescribed in subregulations (6), (7), and (8) of this regulation;
- (b) have a pH greater than 7.0, regardless of type or variety of cream;
- (c) contain any inhibitory substance when subjected to the test described in the Fifth Schedule,

and shall comply with the standards set out in this regulation.

(2) Market cream shall not, when subjected to any one of the tests for coliforms as described in Australian Standard 1095.3.1—1973, give evidence of coliforms in 1.0 ml.

(3) Market cream other than sour cream shall not contain more than 50 000 micro-organisms in 1.0 ml when determined by the plate count method.

(4) Market cream shall be sold under one or other of the type designations below and shall contain not less than the number of parts per centum of butter fat set out opposite the relevant type designation—

Light Cream	....	....	....	....	18
Reduced Cream	....	....	....	....	25
Cream	....	....	....	....	35
Cream Mixture	....	....	....	....	35
Thickened Cream	....	....	....	....	35
Whipping Cream	....	....	....	....	40
Rich Cream	....	....	....	....	48
Devonshire Cream	....	....	....	....	48
Clotted Cream	....	....	....	....	48
Scalded Cream	....	....	....	....	48

(5) Pasteurised cream is cream which has been efficiently heat treated by the holding method or by the high-temperature short-time method respectively described as follows:—

- (a) "the holding method"—the temperature of the cream is raised to not less than 63°C and not more than 66°C for at least 30 minutes and then immediately and rapidly reduced to 4°C or less and maintained at that temperature with protection from contamination; and
- (b) "high temperature short-time method"—the temperature of the cream is raised to not less than 72°C and not more than 79°C and retained at that temperature for at least 15 seconds, and then immediately and rapidly reduced to 4°C or less and maintained at that temperature with protection from contamination,

but pasteurised cream—

- (i) shall not be deemed to have been efficiently heat treated if when subjected to the Aschaffenburg and Mullen method for the phosphatase test it gives a reading exceeding 10 Lovibond units on the APTW7 disc after two hours incubation;
- (ii) shall not be heated more than once by either of the methods referred to in this subregulation; and
- (iii) shall not have otherwise been treated by heat.

(6) Sour or cultured cream is cream of the named variety as prescribed in these regulations which following pasteurisation has been intentionally soured by the use of lactic acid producing bacteria to an acidity of not less than 0.6 per cent calculated as lactic acid.

(7) Whipped cream is cream of the named variety as prescribed in these regulations which has been whipped with or without the use of nitrous oxide gas.

(8) Cream mixture or thickened cream is cream with or without the addition of sugar, which contains singularly or in combination but in total proportion not exceeding one part per centum—

- (a) gelatine;
- (b) sucrate of lime;
- (c) any preparation of rennin; or
- (d) any of the following modifying agents, namely Gum acacia, Gum benzoin, Gum guar, Gum karaya, Gum locust bean, Gum tragacanth, Irish Moss, Pectin, Arabinogalactan (Larch gum), Agar Agar, Alginates, or Tamarind extracts.

(9) Scalded cream is cream which has been obtained by subjecting milk or cream to a temperature of not less than 83°C for at least thirty minutes and cooled to 4°C or less and retained at this temperature and shall contain not less than 48% milk fat.

(10) Devonshire or clotted cream is scalded cream which has been obtained by the scalding, cooling and skimming of milk or cream.

22. (1) For the purpose of these regulations—

- (a) market milk is milk which is used for human consumption, or is intended to be used for human consumption, as liquid milk;
- (b) manufacturing milk is milk which is used, or is intended to be used, in the manufacture of dairy produce;
- (c) market cream is cream which is used or intended to be used for human consumption as cream;
- (d) manufacturing cream is cream which is used, or is intended to be used, in the manufacture of dairy produce.

(2) A person—

- (a) shall not use manufacturing milk or manufacturing cream as market milk;
- (b) shall not obtain market cream from any milk other than market milk, but market milk may be used for the production of market cream or as manufacturing milk or manufacturing cream.

(3) A person shall not supply or sell any milk or cream which does not comply with the minimum standard of quality for milk or cream under these regulations, otherwise than in accordance with the approval of the Dairy Industry Authority where that milk or cream is to be used for mixing, treatment or processing before being subsequently supplied or offered for sale.

(4) A person shall not supply or sell or cause to supply or sell any dairy produce which does not comply with the standard for that category of produce as prescribed by these regulations or if a standard is not prescribed by these regulations as prescribed in the Food & Drug Regulations of the Health Act, 1911.

(5) A person shall not sell any milk or cream which—

- (a) has not been pasteurized in conformity with the provisions of the standards set out in these regulations, relating to pasteurized milk and cream;
- (b) has not been stored and packed in conformity with the provisions of these regulations; and
- (c) has not been obtained from a licensed dealer, licensed vendor or a person or company licensed to operate a Dairy Produce factory, store, cold store, depot or packing place,

otherwise than to the Authority or a Dairy Produce factory.

(6) A person shall not sell any dairy produce which—

- (a) has not been produced from pasteurised milk or pasteurised cream or from milk or cream treated in an approved manner; and
- (b) has not been treated, manufactured, stored and packed in conformity with the provisions of these regulations,

otherwise than to the Authority or a Dairy Produce factory.

(7) A person shall not sell by retail, offer for sale by retail, or have in his possession for sale by retail any milk or dairy produce which—

- (a) has been pasteurised or otherwise treated, or has been manufactured and packed, by a person other than a person who is the holder of an appropriate licence for that purpose under the Act; or
- (b) has not been obtained from a person who is a licensed dealer or licensed vendor of milk and dairy produce.

23. A person shall not sell, or mix with any milk intended for sale, or use—

- (a) milk derived from any animal
 - (i) that is, or ought reasonably to be suspected of being, diseased or in an unhealthy condition;
 - (ii) within thirty days immediately before or within five days immediately following calving or the commencement of lactation in that animal; or
- (b) any milk that—
 - (i) is affected by putrefactive decomposition; or
 - (ii) contains or has contained any foreign matter, bird, rodent, insect or other animal.

PART IV.—REGISTRATION OF PREMISES.

24. (1) The Department shall maintain a register to be known as the Register of Dairy Produce Premises.

(2) The Register shall be in the form of Form 1.

25. (1) Any person owning or intending to use premises as dairy produce premises shall apply to the Department for registration of those premises.

(2) An application for the registration or renewal of registration of a dairy as dairy produce premises shall be in the form of Form A, and an application for the registration or renewal of registration of premises other than a dairy as dairy produce premises shall be in the form of Form 2.

26. (1) Where the Chief, Division of Dairying is satisfied that any premises the subject of an application under regulation 25 are suitable to be used for the purpose or purposes set out in the application he shall cause the Department—

- (a) to enter the premises in the Register;
- (b) to issue a certificate of registration as dairy produce premises in respect of those premises; and
- (c) to forward a copy of the certificate of registration to the Authority.

(2) A certificate of registration issued pursuant to subregulation (1) of this regulation shall be in the form of Form 3.

27. The registration of premises as dairy produce premises shall continue from the date of registration of the premises in accordance with regulation 25 until April 30 of each year.

28. An application for the renewal of registration of premises as dairy produce premises shall be lodged with the Department not later than April 1 of each year.

29. (1) An application to add to, vary or delete from the Register the purpose or purposes for which dairy produce premises are to be used shall be made to the Department in the form of Form 4.

(2) If the Chief, Division of Dairying is satisfied that the dairy produce premises the subject of an application made under subregulation (1) of this regulation are suitable to be used for the purpose or purposes set out in the application he shall approve of the application and shall cause the Register to be amended and a certificate of registration issued in terms of his approval, in accordance with regulation 26.

(3) An amendment of registration effected pursuant to this regulation is effective for the balance of the period of registration of the premises in respect of which it is approved and does not operate to extend the period of the registration of those premises.

30. (1) Where any registered dairy produce premises are transferred, sold or leased or the name in which the premises are registered is changed in any way, the person holding the Certificate of Registration shall within 14 days after the transfer, sale, lease or change of name notify the Department in writing, stating the name of the person to whom the premises have been transferred, sold or leased or the new name, as the case may be, and the date of transfer.

(2) A person who buys or leases or otherwise takes possession of any registered dairy produce premises intending to use those premises as dairy produce premises, shall apply to the Department for registration.

31. The registration of any dairy produce premises for any particular purpose or purposes for which the premises are registered under the Act, may be suspended and the register endorsed accordingly where—

- (a) in the opinion of an inspector milk or dairy produce supplied, produced or manufactured in those premises is unfit for human consumption or for use in or for the manufacture of dairy produce;
- (b) milk or dairy produce supplied, produced or manufactured does not comply with the standards set down in these regulations or with the provisions of Division 2 of Part VIII of the Health Act, 1911 or the by-laws made thereunder;
- (c) any instruction in any notice issued under the Act or these regulations is not complied with or any work required to be carried out under any notice given under the Act or these regulations is not completed by the date indicated in the notice, so that in the opinion of an inspector the premises are not suitable to be used for one or more of the purposes for which the premises are registered.

32. Any suspension of the registration of dairy produce premises shall remain in force until—

- (a) an inspector is satisfied that the milk or dairy produce to be supplied, produced or manufactured in those premises will be fit for human consumption or for use in the manufacture of dairy produce;
- (b) the Chief, Division of Dairying, is satisfied that the milk or dairy produce to be supplied, produced or manufactured in those premises will comply with the standards set out in these regulations or with the provisions of Division 2 of Part VIII of the Health Act, 1911, or the by-laws made thereunder;
- (c) any instruction has been complied with or any work required to be carried out in those premises pursuant to any notice given under these regulations or the Act is completed and the premises in the opinion of an inspector are suitable to be used for the purpose for which the registration was suspended; or
- (d) the date the suspension is lifted, where such a date is stated on the notice of suspension.

33. (1) The suspension order shall be in the form of Form 5 and shall be issued by an inspector and be served by hand or by registered letter, on the person or persons in whose name the premises are registered.

(2) A copy of the suspension order shall be supplied to the Chief, Division of Dairying, who may vary or revoke the order.

(3) Revocation of any suspension order shall be in the form of Form 6 and shall be served on the person or persons on whom the suspension order was served.

(4) A copy of any suspension order and any revocation of a suspension order shall be forwarded to the Authority.

(5) When the suspension ceases to apply the endorsement on the register shall be cancelled.

34. The registration of dairy produce premises for any of the purposes for which the premises are registered may be cancelled and the register endorsed accordingly where—

- (a) the owner or occupier of those premises refuses or fails to carry out or complete any work required to be carried out in the premises under any notice given or order made under these regulations; or

- (b) the premises are no longer to be used for the purpose or purposes for which they are registered.
35. (1) A cancellation order shall be in the form of Form 7 and shall—
(a) be issued by the Chief, Division of Dairying; and
(b) be served on the person or persons in whose name the premises are registered, by hand or by registered letter
(2) A copy of every cancellation order shall be forwarded to the Authority.
36. (1) The Australian Code of Practice for Dairy Factories is adopted as part of these regulations and the provisions of that Code shall be read and have the same effect as if they were part of these regulations, save that "dairy produce" where referred to in that Code shall be read as including "milk" as defined in the Act and where the provisions of the Code and the regulations are in conflict, the regulations shall prevail.
(2) For the purposes of these regulations, any reference to the Chief Dairy Officer for the State of Western Australia in the Australian Code of Practice for Dairy Factories shall be read as the Chief, Division of Dairying.
(3) For the purposes of these regulations, any reference to the Dairy Authority for the State of Western Australia in the Australian Code of Practice for Dairy Factories shall be read as the Western Australian Department of Agriculture.
(4) A notice or instruction may be issued in accordance with these regulations where any dairy produce premises does not comply with the provisions of the Australian Code of Practice for Dairy Factories.
37. The Chief, Division of Dairying, may by notice in writing to the person or persons intending to erect dairy produce premises or in whose name dairy produce premises are registered specify—
(a) the material or the type of construction, finish or work, that is required for dairy produce premises;
(b) the method and manner for the treatment, handling, storage and manufacture of milk and dairy produce;
(c) the tests to be carried out, frequency of testing and the methods of sampling and analysis of milk, dairy produce or other materials;
(d) the methods to be used for grading milk, cream and dairy produce and the standards determined to be approved standards.
38. (1) Every person intending to erect, reconstruct, alter or enlarge any building or premises used or intended to be used as dairy produce premises or intending to use any premises that are not registered as dairy produce premises shall submit to the Chief, Division of Dairying, for approval three copies of the description, plans and specifications of the proposed premises which he intends to use and shall submit such other information relating thereto as may be required by the Chief, Division of Dairying.
(2) Where a person commences the establishment, erection, reconstruction, alteration or enlargement of any building or premises to be used as dairy produce premises and has not been notified in writing that the description, plans and specifications thereof have been approved by the Chief, Division of Dairying and that the site has been approved by an inspector, the approval to the use of those premises for that purpose may be withheld.
(3) Where a person makes any alteration to description, plans and specifications approved under this regulation or to the site, without previous notice in writing that such alterations have been approved by the Chief, Division of Dairying or by an inspector respectively, the approval to the use of the premises for the purpose of these regulations may be withheld.
39. (1) A person shall not supply or sell any category of milk or cream from a dairy unless the dairy is registered as dairy produce premises in accordance with these regulations for the purpose of producing that particular category of milk or cream.
(2) A person shall not use or cause to be used any milk or cream for any purpose not in accordance with the purpose or purposes for which the dairy from which the milk is supplied is registered.

PART V.—CONDITIONS RELATING TO DAIRIES.

40. The person or persons in whose name a dairy is registered as dairy produce premises shall cause that dairy to comply with these regulations.

41. A dairy shall not be constructed or substantially reconstructed—

- (a) within a distance of 40 metres of a public road, except with the approval of an inspector;
- (b) on any site which in the opinion of an inspector is not sufficiently drained; or
- (c) where permanent sanitation cannot be provided to the satisfaction of an inspector.

42. (1) The roof of every dairy shall be waterproof and constructed of corrugated asbestos or corrugated galvanised iron or tiles or other approved material.

(2) All parts of the roof of a dairy shall be more than two metres above the floor immediately below.

(3) There shall be provided to the roof of every dairy sufficient guttering and down pipes to enable all rain water to be adequately removed to the satisfaction of an Inspector.

43. (1) The walls of every dairy shall be soundly constructed of brick, concrete or other approved materials.

(2) All interior walls in every dairy shall be finished to provide a smooth, washable, impervious surface.

44. The floors of every dairy shall be—

- (a) impervious to water, laid on a solid foundation and made of concrete or other approved material;
- (b) so constructed that all angles and joints are rounded off to prevent the lodgement of dirt;
- (c) capable of being readily cleaned and maintained in a clean sound condition, free of cracks and crevices;
- (b) free draining and uniformly graded with a minimum fall of 1 in 80 away from the milk room so as to allow all drainage to discharge into a drainage disposal system approved by an inspector; and
- (e) not less than 300 mm above adjoining ground.

45. In every dairy, any drains shall—

- (a) be impervious to water, laid on a solid foundation and made of concrete or other approved material;
- (b) be constructed and have a surface so as to allow easy cleaning;
- (c) be uniformly graded with a minimum fall of 1 in 80 and so constructed and maintained that no effluent from the dairy is discharged within 20 metres of the dairy or contaminates any water supply or dairy surrounds;
- (d) measure, where open, a minimum of 350 mm in width and 120 mm in depth, and have the bottom sides and edges rounded off;
- (e) where enclosed, have an internal diameter of not less than 150 mm, except that drains from milking pits may have an internal diameter of not less than 100 mm and be so graded to allow liquids to discharge above ground level into an open drain or sump; and
- (f) be so maintained as to eliminate any obstruction.

46. In every dairy, any sumps shall be—

- (a) equipped with an approved straining or filtering device on the inlet;
- (b) impervious to water and made of concrete or other approved material;
- (c) constructed and have a surface so as to allow easy cleaning;
- (d) of a size and located in a position approved by an inspector; and
- (e) equipped with an approved gravity or mechanical effluent disposal system.

47. Effluent from a dairy shall not be discharged or allowed to flow in a manner which creates or leads to local ponding, putrefaction, run-off or contamination of any land or water supply.

48. Nothing in these regulations allows effluent from a dairy to be discharged or allowed to flow in a manner contrary to any other law which applies to that dairy or that effluent.

49. At every dairy any drains, sumps and effluent disposal equipment shall be kept in a clean, sanitary, mechanically sound, operating condition.

50. (1) Every dairy shall include, as part of the dairy, a milk room which shall comply with the following conditions—

- (a) unless otherwise approved, the milk room shall be at least 14 square metres in floor area with a minimum height of 2 500 mm from the top of the finished floor to the lowest part of the ceiling, and where one or more bulk vats are installed the size of the room shall be such that there is not less than 600 mm clearance between any bulk tank and any wall, fixture or other bulk tank;
- (b) the milk room shall be adequately ventilated and lighted by vents and windows to the satisfaction of an inspector;
- (c) all vents and windows shall be fitted with removable fly screens;
- (d) all doors shall be constructed of approved materials and shall be fitted to the satisfaction of an inspector.

(2) A dairy shall include a plant room.

51. All bails, divisions, uprights, rails and races in any milking shed or yard connected with a dairy shall be—

- (a) constructed of galvanised iron or steel or other approved material;
- (b) kept in a clean structurally sound and rust free condition.

52. (1) Any feeder, trough, or feed bin fitted or placed in a dairy shall be—

- (a) constructed of galvanised iron, steel or other approved material;
- (b) kept clean, sound, and free of rust; and
- (c) so situated that feed and dust therefrom cannot contaminate milk.

(2) A person shall not feed any brewers grains, silage, or other wet feeds within a dairy or within 10 metres of a dairy.

(3) A dairyman shall not keep or have within 100 metres of a dairy, any brewers grains, silage or other wet feeds unless those feeds are kept or stored in a shed, bin or receptacle and in a manner that prevents breeding of insects and the possibility of the contamination or tainting of any milk.

(4) Any shed, bin or receptacle referred to in subregulation (3) of this regulation shall be fly proof, impervious, drained, sited and constructed to the satisfaction of an inspector.

53. (1) All yards connected with a dairy shall be concreted and surfaced to the satisfaction of an inspector.

(2) The perimeter of any yard connected with a dairy shall have a kerb of concrete or other approved material to a height of not less than 150 mm above the level of the floor of the yard.

(3) All materials used to form the boundaries of any yard connected with a dairy shall be of galvanised iron or steel or other approved material and shall be maintained in a clean and sound condition.

54. (1) A dairyman shall cause the dairy, milking plant receptacles and appliances used in connection with the production of milk to be kept in good repair and in a clean condition.

(2) After each milking the dairy, including the milking shed, milk room, yards and drains, shall be thoroughly cleaned so as to remove all milk spillage, dung, urine, pests, soil, dirt and other contaminating materials from the floors, walls, bails and equipment.

(3) The area surrounding a dairy and all yards, drains and sump shall be kept in a clean and sanitary condition at all times.

(4) Litter, rubbish or manure shall not be permitted to accumulate at a dairy or within 20 metres of its vicinity.

(5) A dairyman shall not erect, use, suffer or permit to be used, any toilet facility within 100 metres of a dairy, unless that facility is connected to a sewerage system of a sewerage authority or provided with a septic tank system and that facility and that system conform with the requirements and provisions of the Health Act, 1911.

(6) Any toilet facility referred to in subregulation (5) of this regulation shall be adequately vented and shall not open directly onto a room forming part of the dairy.

(7) Every dairyman shall provide an approved supply of water in his dairy suitable for cleansing purposes and located to the satisfaction of an inspector.

(8) A dairyman shall not permit any swine, horse or poultry or the housing of any domestic animals to be within a distance of 60 metres of his dairy and shall not permit any domestic animal to be in the dairy at any time.

(9) A dairyman shall not keep or house calves or bulls within a distance of 20 metres from a dairy.

(10) A dairyman shall not feed calves within 20 metres of a dairy unless approved facilities are provided.

(11) A dairyman shall not permit any animal to be within 20 metres of a milk room at any time except for the purposes of milking, and a detached race or ramp used by stock shall not be located within 20 metres of any milk room.

(12) A dairyman shall not permit cattle to have access to water, rubbish, refuse, or any musty, decayed or unwholesome food, or any undesirable chemical substance, which may injuriously affect the milk or health of those cattle.

(13) A lagoon for the aerobic or anaerobic treatment of effluent shall not be situated within 60 metres of a dairy.

55. (1) All persons engaged in milking, handling milking plant or the transport of milk or dairy produce shall at all times while so engaged maintain their clothing and person in a clean state.

(2) A dairyman shall not use or permit to be used on the teats of any milking animal or any utensil or milking plant used in the production, storage or sale of milk, any poisonous or markedly odorous disinfectant, deodorant, ointment, substance or compound likely to taint or otherwise adversely affect the palatability or quality of milk and dairy produce.

(3) A dairyman shall not permit any animal to be milked in a dairy unless the udders and teats of the animal have been washed with water from an approved supply.

56. Milk intended for sale shall be filtered at least once through an approved apparatus before entering a bulk milk tank or can.

57. (1) All milk or cream at a dairy shall be cooled by use of an approved cooler and held to the satisfaction of an inspector.

(2) All milk held in a refrigerated bulk milk tank shall be cooled to 5°C within three and one half hours after the commencement of milking in conformity with the requirements specified in Australian Standard 1187.

(3) Where required to do so by an inspector a dairyman shall permit the installation of an approved recording thermometer in a dairy and shall record the temperature of milk in an approved manner.

58. A person shall not utilise a dairy for any purpose other than a purpose connected with the production of milk and cream.

59. A person shall not use any dairy or any part thereof for living or sleeping purposes.

60. (1) A person shall not install or cause to be installed—

(a) a milking machine in any dairy, except in a manner and position approved by an inspector and in accordance with Australian Standard 1778-1975;

- (b) a releaser milking machine in a dairy, unless the releaser or discharge outlet of the releaser is placed in the milk room;
 - (c) a machine incorporating a releaser or receiver, without having a self draining interceptor fitted between the vacuum pump and the releaser or receiver.
- (2) Where a person intends to install in a dairy any milking plant or make any substantial alterations to any milking plant already installed, he shall notify the Department and shall not proceed with the installation or alteration without the approval of an inspector.
61. (1) A person shall not install or use any milking machine unless all milk pipe lines and metal drop tubes, the releaser and all significant surfaces are made of stainless steel or other approved material and all bends in the milk line are of approved radius and length.
- (2) In any dairy the milking plant, including all claws, unions, pulsators, rubber tubing and other fittings, shall be of an approved design, construction and finish and shall be fitted in an approved manner, so as to enable them to be conveniently inspected and cleaned.
- (3) A dairyman shall not use or permit to be used on any milking machine any fittings which are cracked, perished, softened, mis-shapen, or dirty, or are in a condition which in the opinion of an inspector may contaminate milk.
- (4) A dairyman shall not install or use any milking machine unless all surfaces with which milk or cleansing solutions come into contact are of stainless steel or other approved material.
62. A dairyman shall provide at his dairy—
- (a) a supply of water in such quantity and at such temperatures as may be approved by an inspector; and
 - (b) An approved plant or apparatus for heating of water sufficient for cleansing and sterilising of the milking plant, utensils and appliances, and that plant or apparatus shall be placed in an approved position.
63. A milking plant shall be thoroughly cleansed after use in accordance with the Australian Standard Code of Practice for Cleaning and Sanitizing of Dairy Farm Equipment or other approved methods, and the milking plant shall not be used again unless it has been so cleansed.
64. The milking plant and all receptacles, utensils, appliances and equipment used in the production of milk shall be stored or kept in such a manner after cleansing and when not in use as to remain clean and protected from contamination by any cause.
65. A person shall not, except with the approval of an inspector, use any dairy, or any equipment in any dairy, that does not comply with these regulations.

PART VI.—CLASSIFICATION AND GRADING OF MILK AND DAIRY PRODUCE.

66. (1) Milk supplied by a dairyman to the Authority or to a dairy produce factory or depot for use as milk or cream for market use, or in the manufacture of dairy produce, shall be pure milk without addition or subtraction and shall be classified as follows:—
- Choice Grade.
 - First Grade.
 - Second Grade.
 - Below Second Grade.
- (2) Choice Grade milk is milk which is free from serious taints, colostrum and any foreign matter and which, when tested by approved methods, conforms to an approved standard for Choice Grade Milk.
- (3) First Grade milk is milk which is free from serious taints, colostrum and foreign matter and which, when tested by approved methods, conforms to an approved standard for First Grade Milk.

(4) Second Grade milk is milk which is free from colostrum and foreign matter and which, when tested by approved methods, conforms to an approved standard for Second Grade Milk.

(5) Milk shall be rejected for use as market milk, market cream or in the manufacture of dairy produce if it is affected by a serious physical change or a serious chemical, absorbed or biological taint, or if it contains more than 0.25 per cent acidity calculated as lactic acid.

(6) The grade assigned to any milk shall be that which is ascertained by the application of the Senses Test or any of the approved tests employed in the grading of that milk and when more than one test is used in conjunction, the grade to be assigned to the milk is the grade which, by the application of one of the tests, is ascertained to be the lower.

(7) Only milk which is graded as Choice Grade Milk or is of the quality applying to Choice Grade Milk shall be used, purchased or sold as Market milk.

67. (1) Cream supplied by a dairyman to the Authority or to a dairy produce factory or depot for use in the manufacture of dairy produce shall be classified as follows:—

Choice Grade.

First Grade.

Second Grade.

Below Second Grade.

(2) Choice Grade cream is cream which is free from all taints from whatever source arising, has a smooth and even texture, and is capable of being manufactured into choice grade butter.

(3) First Grade cream is cream which is affected by feed flavour, or by slight physical, biological, or chemical flavour or by an odour absorbed from any substance which is not of an unclean or putrescent nature, or by a combination of any of these, and is capable of being manufactured into first grade butter.

(4) Second Grade cream is cream affected by an advanced physical, chemical or absorbed taint, or by an advanced biological taint which has not reached putrescent stage.

(5) Cream which is affected by putrescent taint shall be graded as below second grade and shall not be used for consumption or in the manufacture of dairy produce.

68. The manager of every factory or depot receiving milk or cream from any dairy farmer shall—

(a) report to the Department each week the name of any dairyman who during the previous week supplied milk or cream which was not of an approved standard for use for the purpose for which the milk or cream was supplied, and shall state the date on which that milk or cream was supplied and the quantity supplied; and

(b) add to any such milk or cream which is not of an approved standard for use in the manufacture of dairy produce sufficient quantity of an approved dye to colour distinctly the whole of that milk or cream.

69. All milk and cream in which insects, rats, mice, maggots, or other vermin or animal are found, or which is otherwise unfit for human food, shall be treated as being below the standard for use in the manufacture of dairy produce.

70. (1) The milk or cream in each bulk milk tank or can supplied by a dairyman shall be graded by a certificated milk grader's senses of sight, taste and smell.

(2) The grade so determined shall be recorded in an approved manner.

71. (1) The manager of a Dairy Produce factory shall ensure that every consignment of milk or cream received at the factory is stirred, sampled, weighed or otherwise measured, tested, graded and recorded in an approved manner and by approved methods.

(2) The samples taken for compositional analysis from the milk consignments from each supplier shall be mixed to form a composite sample.

(3) Within each calendar month there shall be four composite sampling periods each of which shall be not less than seven days nor more than eight days, so arranged that the first sampling period for each month shall commence on the first day of the month and the fourth sampling period shall end on the last day of the month.

(4) The samples of cream, where more than one can of cream is received from the one supplier in the same consignment, may be mixed together and the composite sample so obtained may be taken for testing purposes.

(5) The samples and composites shall be preserved and treated and kept in an approved manner.

(6) The approved method for testing milk for butterfat content for the purpose of making payments to suppliers shall be either the Babcock or Milko Tester method and the approved method for testing cream for butterfat content for the purpose of making payments to suppliers shall be the Babcock method.

72. (1) The manager of every factory or depot shall have available for the purpose of check testing by an inspector—

(a) fifty samples of both milk and cream from the last series of samples tested, or where there are less than fifty samples in the last series, the entire series; and

(b) the records containing the results of all tests.

(2) Check testing may be carried out in a laboratory by a method approved for the purpose by the Chief, Division of Dairying.

(3) Where a check test differs by more than an approved difference for such a test, the manager of the factory or depot or his agent shall enter that difference in the record containing the results of tests, initial the entry and advise the supplier of that milk or cream of the alteration, and shall amend the amount paid or to be paid to the supplier for the milk or cream accordingly where appropriate.

73. (1) The manager of a Dairy Produce factory or depot shall furnish to the Department as required the results of milk and cream tests.

(2) The statement of those results shall be signed by the person holding a certificate of competency as a milk or cream tester who conducted the tests.

74. (1) The manager of a Dairy Produce factory or depot shall furnish to the Department as required a statement showing grades of milk and cream supplied to the factory or depot.

(2) The statement referred to in subregulation (1) of this regulation shall be signed by the person holding a certificate of competency as a milk or cream grader who determined such grades.

75. (1) A person shall not record any grade given to any milk or cream or results of any test or examination pertaining to any milk or cream, knowing it to be false.

(2) A person shall not falsify any grade or the result of any test or examination pertaining to any milk or cream.

(3) The Chief, Division of Dairying, may cancel the Certificate of Competency of any person who is found to have falsified the grade or the result of any test or examination pertaining to any milk or cream.

76. A person shall not receive milk or cream in a can at a Dairy Produce factory or depot unless the identification of the supplier is indelibly stamped on or permanently attached to the can in an approved manner, and unless the can contains not more than forty-five litres of milk or cream.

77. (1) The person in whose name a Dairy Produce factory is registered in accordance with these regulations shall cause all butter made at that factory to be graded in accordance with one of the following standards—

(a) Choicest Grade—Pure creamery butter manufactured from pasteurised cream and graded at not less than 93 out of 100 points;

- (b) First Grade—Pure creamery butter manufactured from pasteurised cream and graded at 90 to 92 points inclusive;
 - (c) Second Grade—Pure creamery butter manufactured from pasteurised cream and graded at 86 to 89 points inclusive;
 - (d) Butter unfit for domestic or commercial use for human consumption as butter being butter which does not grade 86 points or above.
- (2) In grading butter, the grader shall take into consideration the flavour and aroma, texture and condition of that butter.
- (3) The points to be awarded in respect of each of the undermentioned qualities of butter shall not exceed the following—
- (a) flavour and aroma, 50 points;
 - (b) texture, including body, grain and moisture, 30 points; and
 - (c) condition, including colour, finish, salting, packing and covering, 20 points.

78. (1) The person in whose name a Dairy Produce factory is registered in accordance with these regulations shall cause all cheese made at that factory, being cheddar cheese or such other type of cheese as may be determined by the Chief, Division of Dairying, to be graded in accordance with the following standards—

- (a) Choicest Grade—Pure cheese graded at not less than 93 out of 100 points;
 - (b) First Grade—Pure cheese graded at 90 to 92 points inclusive;
 - (c) Second Grade—Pure cheese graded at 86 to 89 points inclusive;
 - (d) Cheese unfit for human consumption as cheese—
being cheese that does not grade 86 points or above.
- (2) Unless otherwise directed by the Chief, Division of Dairying, cheese unfit for human consumption shall be destroyed under supervision.
- (3) In grading cheese, the grader shall take into consideration the flavour and aroma, body, texture and condition of the cheese.
- (4) The points to be awarded in respect of each of the undermentioned qualities of cheese shall not exceed the following—
- (a) flavour and aroma, 50 points;
 - (b) texture, including body, closeness and moisture, 30 points; and
 - (c) condition, including colour, finish, salting, packing and covering, 20 points.

79. (1) Where required by these regulations, or by the Authority or the Chief, Division of Dairying, any milk and dairy produce produced or for sale in Western Australia shall be submitted in an approved manner by the owner of that milk and dairy produce or his agent for examination, grading and sampling by an inspector.

(2) Every owner or agent who imports milk or dairy produce of a type listed in the Sixth Schedule from Australian States or Territories or from other countries shall within three (3) days furnish to the Chief, Division of Dairying, documentation in the form of a copy of the bill of lading, consignment note and customs department import permit, and a statement naming the country of origin of the milk or dairy produce and where the milk or dairy produce is stored.

(3) When required by the Chief, Division of Dairying, the owner of milk or dairy produce intended for sale in Western Australia, or his agent shall provide an examination or grade room with approved conditions and facilities, or submit milk or dairy produce as required to approved grading rooms.

(4) The owner of any milk or dairy produce or his agent shall be liable to pay a fee to the Department calculated on the basis of the amount of milk or dairy produce represented by the sample or samples submitted for grading and examination under subregulation (1) of this regulation but where the Authority determines that it will undertake the payment for that grading or examination the fee that would otherwise be so payable to the Department by the owner may be recovered by the Department as a claim on the Authority.

(5) The fees to be paid under this regulation are set out in the Sixth Schedule.

80. The Chief, Division of Dairying shall in writing or by notice published in a local newspaper inform the owner of any milk and dairy produce of the following matters—

- (a) the places where milk and dairy produce, or approved representative samples of them, shall be forwarded for examination, grading and sampling;
- (b) the necessity to submit a "Notice of Intention" in the form of Form 12 and the contents of that form.

81. A notice of intention to submit milk and dairy produce for examination, grading and sampling shall be given by the owner of milk and dairy produce or his agent to the Chief, Division of Dairying, and to the owner of the place where the milk and dairy produce is to be sent at least three days before the milk and dairy produce arrives at that place.

82. (1) All milk and dairy produce to be graded pursuant to Regulation 79 shall be graded by a grader who is an officer of the Department, or by a person so authorised by the Chief, Division of Dairying.

(2) The grader shall, in respect of milk and dairy produce graded by him, forward to the Authority and the owner or agent respectively a copy of the certificate showing the grades obtained by that milk and dairy produce, in the form of Form 13.

PART VII.—BULK MILK.

83. (1) Milk received into an approved milk tanker at a dairy farm shall be deemed for the purposes of these regulations to have been received at a Dairy Produce factory or depot.

(2) The amount of milk in any consignment in a bulk milk tank shall be ascertained by a Tanker Driver Milk Grader using an approved method and the result shall be recorded by him in approved units in a record book.

(3) Prior to receiving any consignment of milk into a milk tanker, the milk shall be—

- (a) graded by the senses test by a Tanker Driver Milk Grader who shall record the grade of milk in a record book;
- (b) measured as for temperature; and
- (c) thoroughly mixed for two minutes in the bulk milk tank.

(4) Such samples of milk as are required by the Department or the Authority shall be taken in an approved manner for the purposes of determining the composition and the grade of milk and for such other purposes as they may require.

(5) Samples taken in accordance with subregulation (4) of this regulation shall each be placed in a sterile, water tight container marked with the identification of the supplier of the milk and the container shall be immediately stored in ice or other approved refrigerant so that the temperature of the milk is not more than 4 degrees Celsius.

(6) A Tanker Driver Milk Grader when receiving a consignment of milk shall sign and leave with the dairyman or in a conspicuous place in the dairy a statement showing the following particulars—

- (a) the date;
- (b) the name of the dairyman;
- (c) the amount of milk received in approved units;
- (d) the temperature of the milk; and
- (e) the grade of the milk as determined by the senses test.

84. A Tanker Driver Milk Grader shall cause the bulk milk tank to be rinsed free of milk residues immediately after removal of the consignment of milk.

85. A person shall not mix or permit to be mixed in a milk tanker, or any other container, any consignment of milk considered by a certificated milk grader or Tanker Driver Milk Grader after examination by the senses test to be unacceptable, with milk considered to be suitable for receipt.

86. When more than one consignment of milk is mixed, the grade of the bulk milk and the purposes for which it may be used shall be that of the lowest quality of those consignments.

87. (1) A person shall not install a bulk milk tank in a dairy except in accordance with a plan or diagram approved by an inspector.

(2) Prior to installing a bulk milk tank, a dairyman or person acting on his behalf shall—

- (a) apply for approval to the Department giving at least seven days written notice of his intention to install a tank;
- (b) carry out any work required by an inspector; and
- (c) obtain written approval from an inspector to proceed with the installation of the tank.

88. A person shall not install or use a bulk milk tank in a dairy unless—

- (a) the dairy and milk room comply with the requirements of subregulation (1) of regulation 50;
- (b) the road way and approaches to the dairy is in the opinion of an inspector suitable for use by a milk tanker; and
- (c) the bulk milk tank is level to the satisfaction of an inspector.

89. Except with the approval of the Chief, Division of Dairying, no bulk milk tank shall be installed in a dairy for the storage or supply of milk unless it is a refrigerated bulk milk tank which complies with Australian Standard 1187.

90. (1) A milk tanker used for receiving milk from a bulk milk tank shall be fitted with approved appurtenances for receiving milk and for keeping samples of milk, and shall be equipped with approved sampling equipment.

(2) Any milk tanker used for receiving milk from a bulk milk tank or used to convey milk in bulk from one dairy produce premises to another shall be marked in a conspicuous manner with an approved number.

(3) The number referred to in subregulation (2) of this regulation shall be used at all times to identify the tanker on any documents required by these regulations in relation to that tanker.

91. (1) The owner of a Dairy Produce factory which collects, conveys or receives milk in bulk shall—

- (a) provide an approved tanker receival area which is roofed, paved with reinforced concrete, graded, drained, provided with safety rails, and equipped with facilities for the pumping and agitation of milk received;
- (b) provide an approved tanker cleansing area which is paved with reinforced concrete, graded, drained and roofed;
- (c) provide approved cleaning or washing facilities for that method of cleaning known as "Cleaning in place", and for manual cleaning;
- (d) cause all milk tankers used for transport of milk and fittings attached thereto to be cleansed by the "Cleaning in place" method daily and manually cleaned when necessary and maintained in a clean condition to the satisfaction of an inspector;
- (e) cause every milk tanker used to convey milk to be thoroughly rinsed immediately after unloading prior to further use, if instructed to do so by an inspector.

(2) Any person using or operating a milk tanker shall cleanse daily and maintain in a clean condition the milk tanker and its fittings to the satisfaction of an inspector.

92. (1) The use of a milk tanker or container to convey milk in bulk shall be subject to the approval of and inspection by an inspector at all times.

(2) Any person engaged in the transport, carriage or storage of milk shall submit any tanker, tank, vat, silo, container or vessel for inspection when required by an inspector.

(3) A person shall not use or permit to be used any milk tanker, or container for the carriage of milk in bulk where that tanker, or container has been declared by an inspector to be unsuitable for the carriage of milk until that tanker, or container is approved by an inspector as suitable for use.

93. (1) Any vat, tank, silo, container or vessel used for the receipt, storage or despatch of milk in any dairy produce premises, shall—

(a) be subject to inspection by and approval for the storage of milk by an inspector;

(b) be identified in a manner required by an inspector.

(2) A person shall not use or permit to be used any vat, tank, silo, container or vessel for the reception, storage and despatch of milk where that vat, tank, silo, container or vessel—

(a) has not been approved for the storage of milk by an inspector;

(b) is not identified to the satisfaction of an inspector.

94. (1) Each dairy produce premises which receives, stores, or uses milk shall maintain a record which shows to the satisfaction of an inspector—

(a) the source of any milk placed in any milk tanker, tank, vat, silo, container or vessel;

(b) when and how that milk was despatched or used;

(c) each occasion on which any tanker, tank, vat, silo, container or vessel was washed; and

(d) the volume of milk placed in or withdrawn from each tanker, tank, vat, silo, container or vessel on each occasion and the time and date when that milk was so placed or withdrawn.

(2) The proprietor of a dairy produce premises shall make available at any time to an Inspector the records and details for each tanker, tank, vat, silo, container and vessel.

95. The manager of a Dairy Produce factory shall cause the temperature of all milk received in bulk at the factory to be recorded on an approved thermometer located in a position approved by an inspector.

PART VIII—DAIRY PRODUCE PREMISES AND THE HANDLING AND STORAGE OF MILK AND DAIRY PRODUCE.

96. At the time of registration dairy produce premises shall comply with the following conditions:—

(a) The dairy produce premises shall be located, planned and constructed so that the atmosphere surrounding them is free from any condition arising from any cause which might injuriously affect the milk or dairy produce.

(b) The dairy produce premises shall be constructed of approved materials in accordance with these regulations and in a manner and finish that is approved for the purpose for which the premises are to be used.

(c) Dairy produce premises shall contain the necessary equipment, appurtenances, vessels and facilities for the purpose for which the premises are registered and for any associated activities and that equipment, shall, in the opinion of an inspector, be in sound condition.

(d) The effluent and drainage from the premises shall be conveyed away from the premises and disposed of in an approved manner so that they do not contaminate any watercourse, roadway, drain or surrounds of the premises, or create or lead to putrefaction, run off or contamination of any land or water supply.

97. Dairy produce premises shall not be registered as a store, cold store, depot, Dairy Produce factory or packing place unless the premises are situated—

(a) more than 300 metres from a piggery or pig sties in which pigs are enclosed;

(b) more than 100 metres from the nearest boundary fence of a paddock in which pigs are grazed or premises in which domestic animals are housed; and

(c) more than 200 metres from a slaughter house.

98. A person shall not allow—

- (a) any swine or poultry within 100 metres;
 - (b) except for the purpose of drawing a vehicle for the transport and delivery of milk or dairy produce any horse within 100 metres; or
 - (c) any cattle, sheep or domestic animal within 20 metres,
- of any dairy produce premises registered as a store, cold store, depot, Dairy Produce factory or packing place.

99. A person shall not store milk or dairy produce in any rooms in which materials other than milk or dairy produce are stored, except with the approval of an inspector.

100. (1) A person shall not store, or hold milk or dairy produce intended for sale in any shop, store, depot or premises or on board any ship, aircraft, vehicle or conveyance in such a manner that the milk or dairy produce shall be liable to deterioration or tainting from the effects of heat, ultra violet light, odours, fumes or the proximity of unclean matter.

(2) A person shall not store, hold or deposit milk or dairy produce intended for sale in any room used for domestic purposes.

(3) A person shall not hold milk or dairy produce for sale or for human consumption in a manner that will render it liable to contamination by pathogenic organisms.

101. (1) Any dairy produce premises where dairy produce is graded shall contain—

(a) a grading room—

- (i) constructed of approved materials;
- (ii) of adequate size, in the opinion of an inspector, with regard to the volume and nature of inspection likely to be undertaken;
- (iii) that is vermin and fly proof;
- (iv) that is free from noise and odours;
- (v) that has temperature control; and
- (vi) that is suitable for the purposes of handling, sampling, examining, grading and marking of dairy produce;

(b) suitable office accommodation including furniture and fittings for use by an inspector with access to sanitary conveniences and a telephone.

(2) The grading room and facilities referred to in subregulation (1) of this regulation shall not be used for any purpose other than for those associated with the grading or inspection of dairy produce.

(3) Separate grading rooms shall be provided for butter and cheese.

(4) The manager of any dairy produce premises where dairy produce is graded shall provide suitable labour for handling and preparing dairy produce for grading, sampling and associated purposes.

102. Any dairy produce premises receiving milk from dairymen shall contain or have access to the use of a laboratory equipped to the satisfaction of the Chief, Division of Dairying, for the purposes of testing, examining and grading the milk and cream supplied and delivered to that premises.

103. (1) Milk and cream shall be pasteurised by approved methods before sale as milk or cream for consumption or before use in the manufacture of dairy produce except where otherwise approved by the Chief, Division of Dairying.

(2) Market milk and market cream shall be pasteurised once only immediately prior to packaging or despatch to the consumer.

(3) Milk and cream shall not be treated by heat except for the purpose of pasteurising or for some other approved purpose.

(4) Equipment used for the pasteurisation of milk and cream shall be constructed, maintained and operated in such a way that the pasteurisation process is completed to the satisfaction of an inspector.

(5) Immediately after packaging all pasteurised market milk and pasteurised market cream shall be at a temperature not exceeding 7 degrees Celsius.

(6) All equipment used for pasteurising milk shall be equipped with approved indicating thermometers, valve and recording instruments as required by the Department and the equipment shall be maintained in sound working order so as to accurately record the temperature of milk to 0.2 degrees Celsius.

(7) The valves controlling the flow of milk through the pasteurising process shall be capable of immediately diverting for further treatment all milk which has not been heated to the required temperature.

(8) Recording instruments attached to each pasteuriser or vessel shall be connected to a chart on which shall be legibly and mechanically recorded the time and period of any diversion of milk, the temperature of all stages of the pasteurising process, the length of time of each process and the hour of the day when those processes are carried out.

(9) The chart on each recording instrument shall clearly identify the equipment to which it refers and the details shall be recorded on the chart of the reasons for any diversion or abnormal function of the equipment.

(10) The chart on each recording instrument shall be signed by the operator of the pasteuriser and the chart shall be kept at least for a period of 30 days.

104. (1) All milk shall be cooled to a temperature of below 5 degrees Celsius immediately upon receipt at any dairy produce premises except where the milk is to be pasteurised within two hours of receipt at those premises.

(2) A person shall not store or hold milk or cream intended for sale or intended for use in the manufacture of dairy produce at a temperature above 5 degrees Celsius, except at a dairy produce premises where such milk or cream is—

(a) to be pasteurised within two hours of receipt at those dairy produce premises; or

(b) required to be held at a higher temperature for the purpose of a process of manufacture.

(3) A person shall not store or hold any dairy produce until sold by retail at a temperature above the temperature applicable for that type of produce as set out in the Third Schedule.

105. A person shall not bottle or cause or permit milk or dairy produce to be bottled, cartoned, or packaged otherwise than in accordance with the following conditions—

(a) any bottle, carton, package or container shall be of an approved type;

(b) any bottle, carton, package or container shall be cleansed, stored, treated, handled, filled, sealed and examined in an approved manner and in accordance with instructions issued by an inspector;

(c) the lid, cap or sealing device of any bottle, carton, package or container shall be stored, treated and handled in an approved manner.

106. A person shall not sell milk or dairy produce in any bottle, carton, package or container which has not been stored, treated, handled, filled, sealed and checked in accordance with the regulations or in an approved manner.

107. A person shall not sell or place or permit to be sold or placed any milk or dairy produce in any bottle, carton, package or container which is chipped, cracked or damaged.

108. Every person engaged in the production, treatment, preparation, sale, carriage or delivery of milk or dairy produce shall at all times—

(a) keep any premises, place or vehicle used for that purpose and over which they have care and control in a clean, sound condition;

(b) keep any utensil, fitting, receptacle, appliance or equipment over which they have care and control in a clean, sound condition protected from contamination;

- (c) protect the milk or dairy produce from sunlight, dirt, dust or rain and from contamination by vermin, insects or any animal;
- (d) cause all parts of all utensils, fittings, receptacles, appliances and equipment which come into contact with milk or dairy produce and over which he has care and control to be cleansed and sterilised after use by an approved method; and
- (e) wear clean, washable outer garments and keep his hands and person clean.

109. (1) A person shall not use any utensil, receptacle, fitting, appliance, equipment or vehicle in connection with the production, treatment, preparation, carriage or sale of milk or dairy produce unless that utensil, receptacle, appliance, equipment or vehicle is made of and surfaced with approved materials and constructed in such manner as to be easily cleansed and kept clean, sound, hygienic and free from corrosion.

(2) Every pipeline used to convey milk or dairy produce shall be as short as possible and shall be so sloped or otherwise arranged as to drain freely.

(3) Every container, vessel, pipe or piece of equipment used to contain or convey milk or dairy produce shall be free draining, or shall be able to be disassembled or placed so as to be free draining when not in use.

110. (1) A person shall not use for containing, measuring, storing or conveying milk or dairy produce any vessel unless it is—

- (a) constructed of an approved material;
- (b) seamless, and so constructed and maintained as to permit of every part of the interior of the vessel, being seen and being cleansed; and
- (c) provided with a lid or covering of approved material which protects the interior from dust, rain or contamination.

(2) A person shall not use or cause or suffer to be used for closing or for helping to close any vessel containing milk or dairy produce any rag, canvas or other material which is absorbent or is liable to contaminate any milk or dairy produce.

(3) A person shall not use any lid on a vessel used in dairy produce premises unless that lid is free from rust, cracks or dents and of such size and in such condition as to fit closely enough to prevent spillage in normal use and yet be removed with reasonable ease.

111. The owner of any vessel or lid used for the supply, production, carriage, sale or delivery of milk or dairy produce shall cause that vessel or lid to be marked in the approved manner with his name or code number, and a person other than the owner shall not use that vessel or lid for any purpose whatsoever.

112. A person shall not use any package, bottle or container to contain or deliver any milk or dairy produce unless of a type of package, bottle or container which has been approved for milk or that category of dairy produce.

113. (1) A person shall not deposit or keep any milk or dairy produce intended for sale or any vessel, implement, utensil, equipment or article used in the storage, handling or sale of milk or dairy produce—

- (a) in any room or place where it or they would be likely to become contaminated, soiled or damaged;
- (b) in any room used as a bedroom or living room;
- (c) in any room or building or part of a building communicating directly by door, window, ventilation or otherwise with any room used as a bedroom, or living room;
- (d) in proximity to any person suffering from an infectious disease, or any room used by such a person which has not been disinfected.

(2) A person shall not handle or store milk or dairy produce intended for sale in unsealed packages in any premises in which any fruit, vegetables, meat, article or substance is stored unless that fruit, vegetable, meat, article or substance is handled, stored or sold in a manner that will not contaminate, soil or taint any milk or dairy produce.

114. (1) All containers, utensils, crates and other equipment used in the production, treatment, manufacture, handling, storage, sale, distribution or transportation of milk or dairy produce shall be thoroughly cleansed and treated by an approved method after each use.

(2) All storage vats, containers, pipelines and equipment used in handling, storage and transport of milk shall be cleaned by a method approved by an inspector at least once daily or when emptied.

(3) All manually cleansed apparatus, including valves and pipe fittings, shall be disassembled daily for cleansing and after cleansing shall be drained and stored so as to be protected from contamination.

(4) Every can, receptacle or other container, including the lid, in which milk or cream is delivered or supplied to any dairy produce premises shall be thoroughly cleansed and treated by an approved method immediately after emptying.

115. (1) All bottles, cans, containers, utensils, fittings and other equipment used for milk or dairy produce shall be stored after cleansing in such manner as to provide drainage of all parts and to protect against dust, flies and contamination.

(2) After cleansing, the interior of any container and any surface exposed or intended to be exposed to milk or dairy produce shall be protected against manual contact and any other sources of contamination.

116. The surfaces of all equipment in contact with milk or dairy produce, when assembled for use in the production, manufacture, transport, treatment and handling of milk or dairy produce shall be sterilised in an approved manner immediately prior to use.

117. (1) A person shall not use for human consumption or for manufacture of dairy produce any milk or dairy produce which has come into contact with any contaminated surface or has overflowed from any container.

(2) Where any milk or dairy produce that may be contaminated comes into contact with any equipment, utensil, fitting or container, that equipment, utensil, fitting or container shall be washed and sterilised before re-use.

(3) A person shall not cause or permit pasteurised milk or dairy produce to come into contact with or be placed in any equipment or container whatsoever used for unpasteurised milk, unless that equipment or container has been effectively sterilised immediately prior to being used for pasteurised milk or dairy produce.

118. A person shall not permit cans or other containers of unpasteurised milk to remain in any room in which pasteurisation is carried out any longer than is reasonably necessary for the pasteurisation of the milk.

119. Milk and dairy produce may be clarified, filtered or strained before pasteurisation but no filters, other than metal screens, shall be placed on the outlet side of any pasteuriser or be used on milk or dairy produce after pasteurisation.

PART IX.—LONG STORAGE OF DAIRY PRODUCE.

120. (1) Dairy produce intended for long storage shall be graded by a grader who is an officer of the Department, or by a person so authorised by the Chief, Division of Dairying.

(2) A person shall not place any dairy produce in long storage unless it complies with the quality requirements for long storage as determined by the Authority and unless he has supplied such returns as are required by the Authority.

121. (1) The Authority or the Chief, Division of Dairying may at any time direct that any dairy produce being held in long storage shall be submitted for examination or re-grading.

(2) All dairy produce submitted for long storage shall be packaged and labelled in the manner required by these regulations.

(3) All dairy produce shall be stored in such a manner as to make any particular lot or quantity readily accessible and available for inspection, sampling or withdrawal from storage at any reasonable time.

122. (1) A dairy produce factory, store or cold store shall not be registered to be used for the purpose of long storage of any dairy produce unless the rooms to be so used—

(a) are suitably equipped and constructed so that they are capable of maintaining the temperature of the dairy produce in the rooms within the range of temperatures approved for that produce; and

(b) are equipped with an approved method of recording temperatures.

(2) The temperature of dairy produce held under long storage shall not be permitted to rise above the temperature approved for that produce.

(3) When the temperature of a place registered for the purposes of long storage rises above the approved temperature while dairy produce is stored in that place, notice shall be given to the Chief, Division of Dairying.

(4) The temperature approved for the long storage of butter is minus ten degrees Celsius, and butter shall not be held under long storage at temperatures greater than minus ten degrees Celsius.

PART X.—PACKING AND LABELLING.

123. (1) Except where a provision of these regulations is less stringent than the provisions or requirements of the Food and Drug regulations made in accordance with the Health Act, 1911, the provisions of these regulations apply to the packing, packaging and labelling of any package, container or bottle containing milk or dairy produce.

(2) There shall be legibly and durably embossed or written in the approved manner on every package, container or bottle containing milk or dairy produce, or in or on a label attached to every such package, container or bottle—

(a) the name or the registered brand or mark of the manufacturer, packer, agent or seller of that milk or dairy produce;

(b) the nett volume or quantity of milk or dairy produce contained in the package, container or bottle;

(c) the name or registration number or other approved method of identification of the premises in which that milk or dairy produce was manufactured or packed;

(d) for those classes of milk and dairy produce that are listed in the Fourth Schedule, the wording or lettering for that class of milk or dairy produce in a uniform size of letters as required in that Schedule.

(e) for such classes of milk and dairy produce as may be approved by the Chief, Division of Dairying, the classification, grade or quality of the milk or dairy produce contained in the package, container or bottle;

(f) for such classes of milk and dairy produce as may be approved by the Chief, Division of Dairying, an approved mark for the purpose of indicating such details as may be required by the Department for identifying the origin, lot or other particular detail of that milk or dairy produce.

(3) For the purpose of this regulation the seal, lid or any other portion of a container in which milk or dairy produce is contained and which is securely attached in an approved manner to the remainder of the container, shall be considered as part of the package, container or bottle as the case may be.

(4) All packages, containers and bottles containing milk and dairy produce for sale shall be packed, wrapped or labelled in such a manner that the names, marks or brands or other requirements of this regulation are clearly depicted on the package, container or bottle to the satisfaction of the Chief, Division of Dairying and any package, container or bottle which does not comply with the provisions of this regulation may be seized by an inspector.

(5) A person shall not sell any package, container or bottle, in which milk or dairy produce is packed, that does not comply with the requirements of these regulations.

124. A person shall not use any word or term stating or indicating either verbally or in writing, or on any package, container or bottle, that milk and dairy produce is of any specific classification, grade or quality, or has been treated in any way, or is representative of a particular lot or manufactured or packaged on any day, or produced, manufactured or packed by any person unless that milk or dairy produce is of that classification, grade or quality or has been so treated, or is representative of that particular lot, or has been manufactured or packaged on that day or produced, manufactured or packed by that person, as the case may be.

125. (1) Where milk or dairy produce is sold or offered for sale under a brand or mark and not under the name of the manufacturer, packer, agent or seller that brand or mark shall be registered with the Department.

(2) An application for registration of a brand or mark shall be made to the Department in the form of Form 9 and be accompanied—

(a) by a fee of two dollars; and

(b) by two facsimiles of the brand or mark shown on the application form, or enclosed therewith.

(3) A brand or mark shall not be registered if it is identical with a brand or mark already registered under these regulations or registered under the Trade Marks Act 1955 of the Parliament of the Commonwealth for another person, or if it has such resemblance to a brand or mark already on either register as to be likely to deceive.

(4) The Department shall cause to be entered in a book to be known as the Register of Dairy Produce Brands or Marks, the following particulars of brands or marks for which registration has been granted—

(a) the date that the registration was granted or transferred;

(b) the name and address of the owner of the brand or mark;

(c) the facsimile of the brand or mark; and

(d) the date that the registration of brand or mark is cancelled.

(5) Where registration of a dairy produce brand or mark is granted, a Certificate in the form of Form 10 shall be issued to the applicant.

126. (1) On the joint application of the transferor and the transferee in the form of Form 11, and on the payment of a fee of two dollars, if the application is in order the Department shall transfer the right to use a dairy produce brand or mark and shall enter the transfer in the Register of Dairy Produce Brands and Marks.

(2) Where the application is in order, the Department shall cause a memorandum of the transfer to be endorsed on the certificate of registration of the dairy produce brand or mark.

127. The registration of any dairy produce brand or mark may be cancelled if the owner of that brand or mark has not used the brand or mark for a period of twelve consecutive months.

128. A person shall not pack or bottle or cause or permit milk or dairy produce to be packed, bottled or placed in any carton or other container for sale otherwise than in accordance with these regulations and the following conditions—

(a) any bottle, carton or container used to contain milk or dairy produce shall be of a type that has been approved for that use;

(b) milk or dairy produce shall not be exposed to contamination during packing or filling;

(c) every bottle, carton or container shall be filled or partly filled, by means of an approved mechanical filler except where otherwise approved by the Chief, Division of Dairying;

(d) mechanical filling equipment shall not expose the milk or dairy produce during the operation at any stage; and

(e) the equipment and the operation shall be such that a uniform mixture of the milk or dairy produce is placed in each bottle, carton or container.

129. (1) A person shall not bottle or cause or permit milk or dairy produce to be bottled or packed in an approved container which does not comply with the following conditions—

- (a) the bottle or container shall be thoroughly cleansed and sterilised by an approved method;
- (b) the bottle or container shall be clean, sterile and free from foreign matter and objects internally immediately prior to filling;
- (c) the bottle or container shall be examined by a method approved by an inspector for cleanliness and freedom from foreign matter and objects;
- (d) the bottle or container shall be tightly and securely sealed with a metal cap overlapping the mouth of the bottle or contained or in such other manner approved by an inspector to protect the milk or dairy produce from contamination and to prevent spillage of the contents in normal handling; and
- (e) the seal shall be applied to the bottle or container by means approved by an inspector.

(2) A person shall not cause or permit milk or dairy produce to be packed or placed in any carton or other container which does not comply with the following conditions—

- (a) a carton or container, other than a milk bottle made from glass, which has been used for any purpose shall not be re-used as a container of milk or dairy produce;
- (b) cartons and containers shall be purchased, transported and kept in sealed sanitary containers and stored under conditions approved by an inspector prior to being filled with milk or dairy produce;
- (c) cartons and containers shall be clean and kept free from dirt, dust, insects or any other pests or contamination prior to use; and
- (d) cartons and containers shall be tightly and securely sealed in an approved manner to protect the milk or dairy produce from contamination and to prevent spillage of the contents in normal handling.

(3) All caps, cap disks or material intended for use in sealing bottles, cartons, or containers in which milk or dairy produce has been placed shall be purchased, transported and kept in sealed sanitary containers, and shall be stored under conditions approved by an inspector until use.

(4) A cap, cap disk or material intended for use as such which has been used previously for any purpose shall not be re-used on any milk or dairy produce container.

130. (1) A person shall not sell milk or dairy produce—

- (a) in any bottle or approved container which has not been cleansed and sterilised by an approved method;
- (b) in any bottle, carton or container which has not been filled or partly filled, in accordance with these regulations;
- (c) in any bottle, carton or container which has not been sealed, in accordance with these regulations;
- (d) in any bottle, carton or container which is unclean or which contains dirt, dust, insects or any substance other than milk or dairy produce; or
- (e) in any bottle, carton or container which is chipped, cracked or damaged.

(2) A person shall not tamper with any cap, cap disk or device used for sealing any bottle, carton or other container or any mark, word, code or date affixed to, printed on or marked upon any bottle, carton or other container of milk or dairy produce before delivery to a consumer.

(3) A person shall not have in his possession whilst engaged in the actual distribution of milk or dairy produce for sale, or in or upon any vehicle used in the distribution of milk or dairy produce any separate cap, cap disk or seal for sealing any bottle, carton or container of milk or dairy produce, or which has been previously used for that purpose.

(4) A person shall not place any milk or dairy produce or permit any milk or dairy produce to be placed in any bottle or container which is chipped, cracked or damaged or which has not been cleansed and sterilised by an approved method.

(5) A person shall not place in any mechanical bottle washer for cleansing any bottle or container which is in an obviously offensive condition or which contains any matter, substance, thing or material other than milk or dairy produce.

(6) A person shall not place in any mechanical bottle washer for cleansing any bottle or container which contains an accumulation of sour milk or cream.

PART XI.—SALE AND DELIVERY OF MILK AND DAIRY PRODUCE.

131. (1) Every vehicle used for the distribution and sale of milk and dairy produce shall have permanently fixed upon both sides thereof, the letters 'D.A.' together with a number issued for the purpose by the Department, in numerals not less than 75 mm in height.

(2) A vehicle shall not be used to carry milk or dairy produce by any vendor or person unless that vehicle is identified as required under subregulation (1) of this regulation and is constructed and equipped in an approved manner.

132. (1) A person shall maintain in a clean sound condition at all times any vehicle and accessories thereto used by him to carry milk or dairy produce intended for sale.

(2) A vehicle used to carry milk or dairy produce intended for sale shall not be used for any purpose which is in the opinion of an inspector harmful to milk or dairy produce.

133. (1) A person shall not carry milk or dairy produce intended for sale in any vehicle unless that part of the vehicle in which milk or dairy produce is carried is constructed in an approved manner and—

- (a) is a fully-enclosed water proof compartment constructed of marine ply, metal or other approved impervious material;
- (b) is fitted with sliding panels, roller shutters, hinged doors or other approved means of closure of all doors and openings;
- (c) has a floor which is effectively drained;
- (d) is constructed so as to permit ready cleansing with no inaccessible sections;
- (e) is white or an approved colour both internally and externally, except that relevant details and insignia may be painted on the vehicle;
- (f) is maintained in good repair and in clean condition,

but paragraphs (a) and (b) of this subregulation do not apply until the first day of July, 1978 and thereafter do not apply to any vehicle which is being used from midnight to 6.00 a.m. to carry milk or dairy produce intended for sale or delivery.

(2) A person shall not carry milk or dairy produce intended for sale in any vehicle between the hours of 9.30 a.m. to 4.00 p.m. on any day except in a vehicle which is sufficiently insulated or refrigerated so as to maintain the milk and dairy produce carried at a temperature no greater than the maximum approved temperature for the carriage of that type of milk or dairy produce.

(3) All doors and openings to the portion of a covered vehicle in which milk or dairy produce is carried shall be kept closed while the vehicle is used for transporting milk and dairy produce except while that door or opening is being used during delivery of milk and dairy produce.

(4) A person shall not expose or cause to be exposed to the direct rays of the sun any milk or dairy produce intended for sale or any bottles, cartons, cans or other containers containing milk or dairy produce intended for sale.

(5) The proprietor of any dairy produce premises or shop at which milk or dairy produce is sold shall cause that milk or dairy produce and any bottles, cartons or other containers containing milk or dairy produce to be protected at all times prior to sale from the direct rays of the sun, heat and any other factor which may, in the opinion of an inspector, cause deterioration of the milk or dairy produce by any means whatever.

134. A person shall not deliver, deposit or leave any milk or dairy produce intended for sale on any roadway, laneway, footpath, public highway, thoroughfare or in any place where the milk or dairy produce or the package or container containing the milk or dairy produce may be exposed to heat, sunlight or liable to contamination or deterioration by any means whatever.

135. (1) A person shall not sell any milk which has been carried on a milk round and—

(a) which is not sold; or

(b) which is found to have a temperature in excess of 20° Celsius, otherwise than to a Dairy Produce factory for use otherwise than as market milk.

(2) Milk referred to in subregulation (1) of this regulation shall not be used as market milk but may be used as manufacturing milk or shall be disposed of in an approved manner.

136. (1) Every person who holds any milk or dairy produce for sale shall provide storage facilities which can maintain the temperature of the milk or dairy produce at not greater than the maximum approved temperature or within the approved temperature range for storage of that category of milk or dairy produce, and shall not hold, keep or sell milk or dairy produce except in and from those facilities.

(2) The owner of every dairy produce premises where milk is placed in mobile or static refrigerated cool chambers shall ensure that such cool chambers are capable of preventing any rise in the temperature of milk placed therein at 5° Celsius.

(3) The owner of any premises where milk is sold shall keep or cause to be kept all milk in a refrigerated or cool room operated so as to maintain the air temperature therein below 5° Celsius.

(4) Subject to subregulation (1) of regulation 135 a person shall not hold in or at any dairy produce premises or sell or supply to any person for subsequent sale any milk which after pasteurisation and cooling has a temperature in excess of 7° Celsius.

(5) A person, other than a milk vendor (vehicle) who is engaged in the delivery of milk to shops or households, shall not hold or transport any milk prior to sale in any vehicle which is not capable of holding the temperature of the milk below 5° Celsius at all times while being so held or transported.

(6) A person shall not make a delivery of milk except within the hours for delivery determined for that area or district by the Authority or in accordance with any endorsement on the milk vendor (vehicle) licence relating thereto.

(7) No milk vendor (vehicle), or person acting on his behalf, or any other person, shall deliver milk to any shop or customer in any area or district unless he or the person for whom he is acting is in possession of a current licence issued by the Authority for that area or district.

(8) Every holder of a milk vendor (vehicle) licence or person acting on his behalf shall carry on the business of the sale and supply of milk and cream so as to provide a satisfactory service to the customers on the milk run concerned and, without limiting the generality of the foregoing—

(a) shall make a delivery of milk to any of his retail customers on every or any day of the week except Sunday if so required by any such customer;

(b) shall deliver the milk on to the property of the customer; and

(c) shall not alter the days or time or place of delivery to any customer unless the customer is given not less than twenty-four (24) hours' notice in writing of the alteration;

(9) At the time of granting to a person a milk vending (vehicle) licence for any area or district, the Authority may specify the names or the addresses, or both the names and the addresses, of the shops and customers to whom the person or person acting on his behalf may deliver milk in that area or district, and the Authority may at any time without giving any reason cancel all or any of those names or addresses so specified.

(10) Where the Authority has specified the names or the addresses, or both, of the shops and customers to which a vendor may deliver milk within an area or district, the vendor shall not deliver milk to any other person, shop or customer within that district.

(11) Every holder of a milk vendor (vehicle) licence shall maintain complete records of the names and addresses of his customers and the quantity of milk sold both wholesale and retail.

PART XII.—CERTIFICATES OF COMPETENCY.

137. (1) A person shall not—
- (a) grade cream supplied to a dairy produce premises unless he has passed the examination prescribed in regulation 141 and is the holder of a certificate to that effect;
 - (b) grade milk supplied to a dairy produce premises unless he has passed the examination prescribed in regulation 142 and is the holder of a certificate to that effect; or
 - (c) grade milk, where it is required that milk be graded by a tanker driver milk grader, unless he has passed the examination prescribed in regulation 143 and is the holder of a certificate to that effect.
- (2) A person shall not test milk or cream supplied to a dairy produce premises unless he has the required experience and has passed the examination prescribed in regulation 144 and holds a certificate to that effect.
138. (1) All milk and cream supplied for sale by a dairyman to any dairy produce premises shall be examined and graded by a person who holds a certificate of competency as a cream grader or milk grader or tanker driver milk grader, before that milk or cream is accepted by the dairy produce premises.
- (2) All milk and cream supplied for sale by a dairyman to any dairy produce premises shall be sampled before that milk or cream is accepted by the dairy produce premises and the sample shall be subsequently analysed and examined by approved methods by a person who has the qualifications of a milk and cream tester and holds a certificate to that effect.
139. (1) Except with the written approval of the Chief, Division of Dairying, a person shall not carry out the duties of a "product maker: butter" or "product maker: cheese" in a Dairy Produce factory unless he has the required experience and has passed the relevant examination as prescribed by regulation 145 or 146, respectively, and holds a certificate to that effect.
- (2) For the purpose of these regulations a "product maker: butter" or "product maker: cheese" is a person who is responsible for the manufacture or for supervising the manufacture of butter or cheese respectively in any dairy produce premises.
- (3) Except with the written approval of the Chief, Division of Dairying, a person shall not carry out such other operations as may be determined by the Chief, Division of Dairying, in a Dairy Produce factory unless he has the required experience and has passed an appropriate examination as prescribed in regulation 140 and holds a certificate to that effect.
- (4) A certificate of competency for any operative which may be required under subregulation (3) of this regulation shall be as determined by the Department.
140. (1) No certificate of competency shall be issued unless or until the applicant has passed an examination in such subjects as the Department determines to be appropriate for a certificate of that kind.
- (2) The examination shall comprise—
- (a) questions on theory, which may be oral or written; and
 - (b) practical tests.
- (3) An applicant who passes the examination shall be issued with a certificate of competency by the Department specifying the kind of operation in connection with or incidental to the treatment of milk or the manufacture of dairy produce to which it relates.
141. (1) A certificate of competency for a cream grader shall be in the form of Form 14.
- (2) Candidates for examination for a certificate of competency as a cream grader shall give satisfactory evidence of practical experience and shall satisfy the examiner by means of a theoretical and practical examination as to their knowledge of the following:—
- (a) milk secretion—brief outline of udder anatomy, milk "letdown" and effect of disease;

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- (b) elementary dairy chemistry—components of milk and factors affecting milk composition;
- (c) elementary dairy microbiology—types of organisms and factors influencing their growth in milk and cream;
- (d) principles of clean milk and cream production—milk borne diseases, shed hygiene, collection of samples for bacteriological and chemical analysis, care and preservation of samples, composite sampling;
- (e) defects of milk and cream—cause and remedial action—
 - (i) bacteriological;
 - (ii) chemical—effects of copper and other metals and substances;
 - (iii) physical, including grading techniques with possible response to pasteurisation;
- (f) elementary physics—units of measurement of length, volume, mass, pressure and temperature;
- (g) principles of hygiene for factories and personnel;
- (h) principles of senses grading, grades of cream;
- (i) cream sampling; and
- (j) the provisions of the Act and these regulations.

142. (1) A certificate of competency for a milk grader shall be in the form of Form 15.

(2) Candidates for examination for a certificate of competency as a milk grader shall give satisfactory evidence of practical experience and shall satisfy the examiner by means of a theoretical and practical examination as to their knowledge of the following—

- (a) milk secretion—brief outline of udder anatomy, milk “letdown” and effects of disease;
- (b) elementary dairy chemistry—components of milk and factors affecting milk composition;
- (c) elementary dairy microbiology—types of organisms and factors influencing their growth in milk and cream;
- (d) principles of clean milk and cream production—milk borne diseases, shed hygiene, collection of samples for bacteriological and chemical analysis, care and preservation of samples, composite sampling;
- (e) defects of milk and cream—cause and remedial action—
 - (i) bacteriological;
 - (ii) chemical—effects of copper and other metals and substances;
 - (iii) physical, including grading techniques with possible response to pasteurisation;
- (f) elementary physics—units of measurement of length, volume, mass, pressure and temperature;
- (g) principles of hygiene for factories and personnel;
- (h) quality tests—
 - (i) methylene blue testing and interpretation;
 - (ii) direct microscopic examination and principles of microbiological tests, such as thermoturic count, presumptive coliform test, total bacterial count;
 - (iii) detection of antibiotics;
 - (iv) sediment tests; and
 - (v) any other test or examination method which may be required to determine the quality or grade of milk for payment purposes;
- (i) testing of milk and cream—
 - (i) acidity;
 - (ii) preservatives;
- (j) principles of senses grading, grades of milk;
- (k) milk sampling—
 - (i) methods—drip, dip;

- (ii) for chemical analysis;
- (iii) for bacteriological analysis;
- (iv) care of samples; and
- (1) the provisions of the Act and these regulations.

143. (1) A certificate of competency for a tanker driver milk grader shall be in the form of Form 16.

(2) Candidates for examination for a certificate of competency as a tanker driver milk grader shall give satisfactory evidence of practical experience and shall satisfy the examiner by means of a theoretical and practical examination as to their knowledge of the following:—

- (a) elementary milk bacteriology—effect of bacteria on milk, sources of bacterial contamination;
- (b) common defects in milk—causes and remedies;
- (c) principles of senses grading of milk, grades of milk and outline of other common milk quality tests;
- (d) milk sampling—
 - (i) methods—drip, dip;
 - (ii) for chemical analysis;
 - (iii) for bacteriological analysis;
 - (iv) care of samples;
- (e) measurement of milk in bulk milk tanks and tankers;
- (f) principles of cleaning and sterilising—
 - (i) farm bulk milk tanks;
 - (ii) milk tankers; and
- (g) the provisions of the Act and these regulations.

144. (1) A certificate of competency for a milk and cream tester shall be in the form of Form 17.

(2) Candidates for examination for a certificate of competency as a milk and cream tester shall give satisfactory evidence of practical experience and shall satisfy the examiner by means of a theoretical and practical examination as to their knowledge of the following:—

- (a) milk secretion—brief outline of udder anatomy, milk “letdown” and effects of disease;
- (b) elementary dairy chemistry—components of milk and factors affecting milk composition;
- (c) elementary dairy microbiology—types of organisms and factors affecting milk composition;
- (d) principles of clean milk and cream production—milk borne diseases, shed hygiene, collection of samples for bacteriological and chemical analysis, care and preservation of samples, composite sampling;
- (e) defects of milk and cream—cause and remedial action—
 - (i) bacteriological;
 - (ii) chemical—effects of copper and other metals and substances;
 - (iii) physical, including grading techniques with possible response to pasteurisation;
- (f) elementary physics—units of measurement of length, volume, mass, pressure and temperature;
- (g) principles of hygiene for factories and personnel;
- (h) quality tests—
 - (i) methylene blue testing and interpretation;
 - (ii) direct microscopic examination and principles of microbiological tests, such as thermoturic count, presumptive coliform test, total bacterial count;
 - (iii) detection of antibiotics;
 - (iv) sediment tests; and
 - (v) any other test or examination method which may be required to determine the quality or grade of milk for payment purposes;

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- (i) testing of milk and cream—
 - (i) acidity;
 - (ii) preservatives;
- (j) principles of senses grading, grades of milk;
- (k) milk sampling—
 - (i) methods—drip, dip;
 - (ii) for chemical analysis;
 - (iii) for bacteriological analysis;
 - (iv) care of samples;
- (l) methods for the estimation of fat—Babcock method for milk and cream, variations for skim milk, whey, homogenised milk and a brief outline of Gerber tests and the fat extraction method as an accurate reference standard, and automated methods—such as Milk-o-Tester, I.R.M.A. etc.;
- (m) methods for the estimation of total solids and solids-not-fat, density units, hydrometers, use of lactometer, methods of detection of skimming and adulteration, outline of gravimetric solids determination and determination of freezing point depression;
- (n) estimation of protein content;
- (o) dairy calculations—
 - (i) recording and computing results of testing, yields and butter equivalent;
 - (ii) Standardisation methods—Pearson square;
 - (iii) calculations for cream neutralisation;
 - (iv) over-run and factors influencing it; and
- (p) the provisions of the Act and these regulations.

145. (1) A certificate of competency for a "product maker: butter" shall be in the form of Form 18.

(2) Candidates for examination for a certificate of competency as a "product maker: butter" shall give satisfactory evidence of practical experience and shall satisfy the examiner by means of a theoretical and practical examination as to their knowledge of the following:—

- (a) cream grading and testing as outlined in regulations 141 and 144;
- (b) elementary butter chemistry—constituents of cream and butterfat; oxidation of fat; composition of butter and factors which influence control of quality;
- (c) elementary butter bacteriology; bacterial tests on butter;
- (d) cream filtration, systems of pasteurisation and of deodorization;
- (e) theory of cream churning;
- (f) churning, washing, salting and working by traditional and by continuous methods;
- (g) packaging of bulk, print and unit serve butter;
- (h) fat, moisture, salt tests of butter, tests for extraneous matter, microscopic estimation of moisture distribution;
- (i) plant sanitation, cleaning in place cleaning methods, detergent types and properties of detergents, sterilisation and bacterial surveys;
- (j) factory water supplies and their treatment, bacterial contamination;
- (k) defects of butter and their causes, changes during storage, butter grading;
- (l) over-run and factors which influence it;
- (m) buttermilk and its treatment;
- (n) principles of good housekeeping in a butter factory; and
- (o) the provisions of the Act and these regulations.

146. (1) A certificate of competency for a "product maker: cheese" shall be in the form of Form 19.

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(2) Candidates for examination for a certificate of competency as a "product maker: cheese" shall give satisfactory evidence of practical experience and shall satisfy the examiner by means of a theoretical and practical examination as to their knowledge of the following:—

- (a) milk grading and testing as outlined in regulations 142 and 144;
- (b) starter function and chemistry of acid development, control and propagation of starters, single and mixed strains of starters and starter compatibility;
- (c) bacteriophage, phage relationships, rotation of starters and starter inhibitors;
- (d) standardisation of milk, casein test, casein/fat ratio;
- (e) principles of operation of pasteurisation, clarification, filtration and treatment of milk for cheese manufacture;
- (f) setting, effect of temperature, rennet function and factors affecting ripening procedures;
- (g) cutting and cooking—factors affecting the rate of acid production and moisture expulsion;
- (h) wheying off and drying the curd;
- (i) cheddaring—techniques and nature of physical change;
- (j) milling and salting—effects of variables on cheese quality;
- (k) mechanised processes of cheese manufacture;
- (l) dead or slow vats—causes and remedies;
- (m) dressing, hooping, branding for rindless and rinded cheese and bulk packs;
- (n) rindless cheese wrapping and packaging;
- (o) waxing and packing of rinded cheese;
- (p) storage and maturing of rindless and rinded cheese;
- (q) grading of cheese—cheese defects, causes and remedies;
- (r) cheese whey handling, separation, utilisation and disposal;
- (s) plant sanitation, cleaning in place cleaning methods, detergent types and properties of detergents, sterilisation, bacterial surveys;
- (t) physical, chemical and bacteriological analysis of cheese, interpretation of results;
- (u) factors affecting cheese yield, measurement of yield;
- (v) principles of good housekeeping in a cheese factory; and
- (w) the provisions of the Act and these regulations.

147. Where any person holding an equivalent certificate obtained after examination conducted under the authority of the Government of any other State of Australia applies for a certificate of competency under these regulations, the Department may issue the certificate either after requiring him to undergo further examination as prescribed by these regulations or, where the Chief, Division of Dairying is satisfied with the competence of the candidate, without such examination.

148. (1) An application for any certificate of competency shall be made in writing to the Chief, Division of Dairying and shall state the period of employment of the applicant in any Dairy Produce factory and the factory in which the applicant is employed at the time of making the application.

(2) The application shall be signed by the applicant and by the manager of the factory in which he is employed at that time.

149. A certificate of competency may be cancelled by the Chief, Division of Dairying, where—

- (a) the testing or grading performed by the certificate holder is found by an inspector to be so inaccurate that in the opinion of the inspector the holder should not be permitted to test or grade;
- (b) the Chief, Division of Dairying, is satisfied that the certificate holder has—
 - (i) become incapable of testing, grading, manufacturing or carrying out his responsibilities as a certificate holder;

- (ii) intentionally falsified any test, results or report; or
- (iii) committed any offence against the Act or these regulations or has advised or assisted any other person so to do; or
- (c) there are any other grounds which in the opinion of the Chief, Division of Dairying, justify the cancellation.

PART XIII.—POWERS OF INSPECTORS, ETC.

150. In addition to the powers set out in section 87 of the Act an inspector may—

- (a) determine whether any work, process, procedures, building, premises, finish, material, site, hygiene requirement or other thing is to his satisfaction so as to insure the wholesomeness and purity of milk and dairy produce, or to conform to and comply with the methods, requirements or standards required by the Department; and
- (b) report on premises, plant, equipment, machinery, appliances, containers, vehicles, health of animals and anything used or suspected of being used in connection with the production, transport, treatment, supply, manufacture, sale, storage and distribution of milk and dairy produce.

151. (1) When an inspector takes or purchases a sample of any milk, dairy produce, materials, ingredients or water for the purpose of having it examined or analysed under section 87 he shall—

- (a) notify the owner or seller or other person apparently in charge of the substance from which the sample was taken of his intention to have the sample examined or analysed;
- (b) divide the sample into three approximately equal parts, and place each of those parts in a separate package or container and securely seal or fasten that package or container;
- (c) place a label on or mark each package or container, stating the name of the inspector, the date, the kind of substance, and so far as is known to him, the name of the owner or seller or agent of the substance sampled;
- (d) deliver one of the parts so labelled to the owner or seller or other person apparently in charge of the substance sampled, retain one of the parts for future comparison, and submit the third part for examination or analysis by a person appointed by the Minister as an analyst under the Act or who is registered at the office of the Commissioner of Public Health as an analyst.

(2) The examiner or analyst shall give a certificate of the result of his examination or analysis in the form of Form 20.

(3) In any proceedings the defendant may require the examiner or analyst to be called as a witness and may require the part of the milk, dairy produce, materials, ingredients or water retained for future comparison by the inspector who took or purchased the same to be produced.

(4) The court before which any complaint is made, or any appeal is made, may cause the milk, dairy produce, materials, ingredients or water contained in the sealed sample retained for comparison to be sent to a qualified examiner, or analyst for examination or analysis.

(5) The cost of any examination or analysis shall be paid as the court in its discretion directs.

152. Where a sample is taken by an inspector in accordance with these regulations, the owner, seller or respective agent of the owner or seller of the dairy produce from which the sample is taken shall, if requested to do so by the inspector, supply his name and address.

153. Where any sample consists of an unopened bottle, carton, container or package the provisions of regulation 151 insofar as those provisions require the dividing of the sample, shall not apply.

154. (1) The giving or serving of a notice, order, demand, or requirement by the Department may be effected by the giving or serving of that notice, order, demand or requirement in the name of the Chief, Division of Dairying, or by an inspector, on behalf of the Department.

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(2) Any notice, order, demand or requirement required or authorised to be given or served under this Act may be given or served—

- (a) by delivering the same or a true copy to the person to whom it is directed or at his residence or premises; or
- (b) where directed to the owner or occupier of dairy produce premises, by delivering the same or a true copy to some person on those premises apparently in charge of the premises or, if there is no person on the premises to whom it can be delivered, by fixing the same or a true copy on some conspicuous part of those premises; or
- (c) by post.

(3) An order, notice, demand or requirement may be—

- (a) in the form of a letter signed by or in the name of the Chief, Division of Dairying; or
- (b) in or to the effect of Form 8 of these regulations signed by an inspector or any person authorised by the Department to give or serve that notice, order, demand or requirement.

(4) Failure to comply with any direction contained in a notice, order, demand or requirement issued under this Act constitutes an offence.

155. (1) Where any milk or dairy produce has been condemned by an Inspector and become the property of the Crown it may be disposed of—

- (a) by adding thereto sufficient approved colouring substance to render it unsaleable and unusable for use for human consumption and returning it to the previous owner;
- (b) by consigning it to a place where it shall be disposed of entirely in such a way that it cannot be recovered for use; or
- (c) in accordance with subsection (3) of section 89.

(2) Where any food additive, ingredient or substance used or intended to be used in the manufacture of milk or dairy produce has been condemned by an inspector and become the property of the Crown it may be disposed of by—

- (a) adding thereto sufficient approved substance to render it unuseable for use in the treatment, preparation or manufacture of milk or dairy produce and if condemned returning it to the person in whose possession or place the food additive, ingredient or substance was at the time of condemnation; or
- (b) disposing of it entirely in such a way that it cannot be recovered for use in the treatment, preparation or manufacture of milk or dairy produce.

(3) Any person who uses, sells, exposes for sale, offers for sale, or has in his possession with intent to sell for human consumption or for use in the treatment, preparation, manufacture or holding of milk or dairy produce for human consumption, any milk, dairy produce, preservatising agent, colouring agent or disinfectant while such is condemned shall be guilty of an offence.

PART XIV.—PENALTIES.

156. (1) Where by these regulations an act is required to be done or forbidden to be done in relation to any premises registered pursuant to these regulations, the person in whose name the premises are registered, has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

(2) The person in whose name premises are registered in accordance with these regulations or any other person, who—

- (a) fails to do any act that by these regulations he is required to do; or
- (b) does any act that by these regulations he is forbidden from doing, commits an offence and is liable on conviction to a penalty not exceeding \$250, and in the case of a continuing offence, to an additional penalty not exceeding \$20 for each day that the offence continues.

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FIRST SCHEDULE

Purpose	Form	Amount \$
Dairyman:		
Application for registration of a dairy as dairy produce premises and for a licence as a dairyman	A	Nil
Licence as a dairyman	B	Nil
Milk or dairy produce vendor:		
Application form as a milk vendor (vehicle)	C	Nil
Licence as a milk vendor (vehicle)	D	Nil
Treatment of milk/manufacture of dairy produce:		
Application form to operate a dairy produce factory	E	Nil
Licence to operate a Dairy Produce factory	G	Nil
Packing or storing milk or dairy produce:		
Application form to operate a store, cold store, depot or packing place	E	Nil
Licence to operate a store	F	Nil
Licence to operate a cold store	H	Nil
Licence to operate a depot	I	Nil
Licence to operate a packing place	P	Nil
Dealer:		
Application form as a milk/dairy produce dealer	J	Nil
Licence as a dealer	K	10
Application for consent to the erection or use of premises as a Dairy Produce factory	L	Nil
Quota:		
Invitation to apply for and application for the grant of, a quota	M	Nil
Bills of Sale etc.:		
Notification of bill of sale etc., or claim affecting ownership	N	Nil

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Form A

DAIRY INDUSTRY ACT, 1973

COMBINATION APPLICATION FOR REGISTRATION OF A DAIRY AS DAIRY
PRODUCE PREMISES AND FOR A LICENCE AS A DAIRYMAN

TO: Chief, Division of Dairying,
Department of Agriculture,
Jarrah Road,
SOUTH PERTH. W.A. 6151

This Application must reach the
Department not later than April
1st in each year

	Surname(s)	First Name(s)	State	Mr. Mrs. or Miss
Name(s) in full of applicants (If Prop., Co., Society or Partnership, state registered name)				

(PLEASE USE BLOCK LETTERS)

Business Name (if any).....

Postal Address.....

I/WE hereby apply for registration of a dairy, and for a licence authorising me/us to act as a
dairyman using that dairy following registration, as below:

(If alternate premises are used as one dairy,
supply information in columns below)

	Premises A	Premises B
Dairy situate at		
Location/Lot No. of Dairy Site		
Shire/Local Authority		

Purposes for which registration and licence is applied for:

For production of: 1. Milk for market use (Strike out words
2. Milk for manufacturing use which do not
3. Cream for manufacturing use apply)

Present Registration No. allotted by the Department of Agriculture.....
(If not registered, state "Not registered")

Area of land used for dairying.....hectares

Total Number of Dairy Cows in Milk or Dry.....head

Dairy Produce factory to which milk/cream is to be supplied.....
Company

Place

I/WE hereby declare that the foregoing particulars are true and correct in every detail.

Signature(s) of Applicant(s).....

Date.....
(Capacity of person signing, in case of a company)

FOR USE BY DEPARTMENT AND AUTHORITY ONLY

Date Received: By Department..... By Authority.....

Date despatched by Department.....

Registration No. Allotted..... Date.....

For Supply of.....

Licence No.(s) Issued..... Date.....

For Supply of.....

NO FEE IS REQUIRED WITH THIS APPLICATION

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Form B.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

LICENCE AS A DAIRYMAN

- (1) Name(s) as Dairymen:
-
- (2) Postal Address:
- (3) Address of Dairy Premises:
- (4) Milk to be delivered to:.....at.....
- in the.....dairy area.....district.
- (5) Dairy premises are to be used for the production of:
- | | |
|---------------------------|---|
| (i) market milk | } Strike out
words which
do not apply |
| (ii) manufacturing milk | |
| (iii) manufacturing cream | |
- (6) This licence is valid up to and including June 30, 19..... unless previously cancelled, suspended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry Act, 1973 and is, subject to any conditions endorsed hereon, authorised to act as a dairyman.

Other Conditions:

Dated this

day of

19.....

The Dairy Industry
Authority of
Western Australia

Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority.

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Form C.

DAIRY INDUSTRY ACT, 1973

APPLICATION FOR A LICENCE AS A MILK
VENDOR (VEHICLE)O
F
F
I
C
I
A
L

USE

Lic. No.:

TO: The Dairy Industry Authority of
Western Australia,
217/219 Stirling Highway,
(P.O. Box 75),
CLAREMONT. W.A. 6010.

Names in full of Applicant(s)	Surname(s)	First Name(s) State Mr., Mrs. or Miss

(PLEASE USE BLOCK LETTERS)

Business Name.....

(If Proprietary Co., Society or Co-op.).....

Postal Address.....

Telephone No.:.....

Address of milk store (if any).....

District for which Licence is required.....

(A separate application is required for each district)

N.B. If the licensee is to be restricted to cover sale to certain specified customers only, a list
of their names and addresses must be attached.

Supplies will be purchased from.....

Average Daily Sales:	MILK	CREAM
For above Districts ONLY	Sold wholesale .....	.....litres
	Sold retail .....	.....litres

Names of Lessees (if any).....

Total number of vehicles used in business.....

I/WE hereby declare that the foregoing particulars are true and correct in every detail and
apply for a licence authorising me/us to sell milk and/or cream in the district mentioned above.

Signature(s) of Applicant(s).....

Date.....(if applicant is a company, state capacity of person signing)

NO FEE IS REQUIRED WITH THIS APPLICATION

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Form D.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

MILK VENDOR (VEHICLE) LICENCE

- (1) Name(s) of Milk Vendor:
-
- (2) Postal Address:.....
- (3) Supplies to be purchased from:.....
- (4) This licence is valid up to and including June 30, 19....., unless previously cancelled, suspended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry Act, 1973 and is, subject to any conditions endorsed hereon, authorised to carry on the business of a milk vendor (vehicle) in the district of.....

Other Conditions

Dated this

day of

19.....

The Dairy Industry
Authority of
Western Australia

Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority and may be cancelled or suspended if the holder fails to comply with certain requirements of the Dairy Industry Act, 1973, and the regulations thereunder.

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Form E.

DAIRY INDUSTRY ACT, 1973

APPLICATION FOR A LICENCE TO OPERATE A

—DAIRY PRODUCE FACTORY }
 —COLD STORE } Strike out
 —STORE } words which
 —DEPOT } do not
 —PACKING PLACE } apply

O
F
F
I
C
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A
L

USE

Cert. No.:

Licence No.:

TO: The Dairy Industry Authority of
 Western Australia,
 217/219 Stirling Highway,
 (P.O. Box 75),
 CLAREMONT. W.A. 6010.

Name(s) in full
 of Applicant(s)

If Proprietary, Society or Co-op. state registered name

(PLEASE USE BLOCK LETTERS)

Postal Address:.....

Address of premises registered:.....

Department of Agriculture Registration Certificate No.:.....

Expiry Date:.....

Registered as (1) Dairy Produce factory }
 (2) Cold store } Strike out
 (3) Store } words which
 (4) Depot } do not
 (5) Packing Place } apply

Premises are registered for purposes of:.....

*

N.B. If there is no current registration applicable to your premises state above "not registered"
 and give below the purpose(s) for which you desire premises to be registered.

*

I/We hereby declare that the foregoing particulars are true and correct in every detail and
 apply for a licence to carry on the activities shown above.

Signature(s) of Applicant(s).....

Date.....(If applicant is a company, show capacity of person signing.)

NO FEE IS REQUIRED WITH THIS APPLICATION

* The purposes under the Act for which the above classes of premises may be used are:

- (i) to treat milk intended for sale to consumers;
- (ii) to carry on the business of a manufacturer of dairy produce;
- (iii) to carry on the business of packing or storing, or as vendor of, milk or dairy produce.

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Form F.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

LICENCE TO OPERATE A STORE

- (1) Name of Licensee:.....
 (2) Postal Address:.....
 (3) This licence is valid up to and including June 30, 19....., unless previously cancelled, suspended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry Act, 1973 and is, subject to any conditions endorsed hereon, authorised to.....

on the premises situated at.....
 in the.....dairy area,.....district.

Other Conditions:

Dated this
 day of
 19.....
 The Dairy Industry
 Authority of
 Western Australia.
 Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority.

Form G.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

LICENCE TO OPERATE A DAIRY PRODUCE FACTORY

- (1) Name of Licensee:.....
 (2) Postal Address:.....
 (3) This licence is valid up to and including June 30, 19....., unless previously cancelled, suspended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry Act, 1973 and is, subject to any conditions endorsed hereon, authorised to.....

on the premises situated at.....
 in the.....dairy area,.....district.

Other Conditions:

Dated this
 day of
 19.....
 The Dairy Industry
 Authority of
 Western Australia.
 Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority.

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Form H.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

LICENCE TO OPERATE A COLD STORE

- (1) Name of Licensee:.....
 (2) Postal Address:.....
 (3) This licence is valid up to and including June 30, 19....., unless previously cancelled, suspended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry Act, 1973 and is, subject to any conditions endorsed hereon, authorised to.....

on the premises situated at.....
 in the.....dairy area,.....district.

Other Conditions:

Dated this

day of

19.....

The Dairy Industry
 Authority of
 Western Australia.

Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority.

Form I.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

LICENCE TO OPERATE A DEPOT

- (1) Name of Licensee:.....
 (2) Postal Address:.....
 (3) This licence is valid up to and including June 30, 19....., unless previously cancelled, suspended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry Act, 1973 and is, subject to any conditions endorsed hereon, authorised to.....

on the premises situated at.....
 in the.....dairy area,.....district.

Other Conditions:

Dated this

day of

19.....

The Dairy Industry
 Authority of
 Western Australia.

Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority.

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Form J.

DAIRY INDUSTRY ACT, 1973

APPLICATION FOR A LICENCE AS A

—DEALER IN MILK

—DEALER IN DAIRY PRODUCE

} Strike out words
which do not
applyO
F
F
I
C
I
A
L

USE

Cert. No.:

Lic. No :

TO: The Dairy Industry Authority of
Western Australia,
217/219 Stirling Highway
(P.O. Box 75),
CLAREMONT. W.A. 6010.

Name(s) in full
of Applicant(s)

If Proprietary, Society or Co-op. state registered name

(PLEASE USE BLOCK LETTERS)

Postal Address:.....

Address of premises registered.....

Department of Agriculture Registration Certificate No.....

Expiry Date.....

for Dairy Produce Premises registered as.....

N.B. If there is no current registration applicable to your premises, state above "not registered"
and give below the type of registration required.

(Registration as—Store, Cold Store, Depot, Packing Place and/or Dairy Produce Factory.)

I/We hereby declare the foregoing particulars are true and correct in every detail and apply
for a licence to carry on the activities shown above.

Signature(s) of Applicant(s).....

Date.....(If applicant is a company, show capacity of person signing.)

THE PRESCRIBED FEE OF \$10 MUST ACCOMPANY THIS APPLICATION

49

Form K.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

LICENCE AS A DEALER

(1) Name of Licensee:.....

(2) Postal Address:.....

(3) This licence is valid up to and including June 30, 19....., unless previously cancelled, suspended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry Act, 1973 and is, subject to any conditions endorsed hereon, authorised to.....

on the premises situated at.....

in the.....dairy area,.....district.

Other Conditions:

Dated this

day of

19.....

The Dairy Industry
Authority of
Western Australia.

Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority.

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Form L.

WESTERN AUSTRALIA
DAIRY INDUSTRY ACT, 1973

Application for the consent of the Dairy Industry Authority to erect a Dairy Produce Factory or to utilise an existing premises as a Dairy Produce Factory.

TO: The Dairy Industry Authority of Western Australia,
217/219 Stirling Highway (P.O. Box 75),
CLAREMONT. W.A. 6010.

Sir,

I/WE hereby make application for the consent of the Authority to erect/utilise existing premises* as a.....

factory at.....and submit the following particulars and I/WE hereby agree to furnish any other particulars that may be required.

.....
Signature of Applicant

.....
Date

*Name of proposed Company, Association, Firm or Person.....

*Names, Addresses and Occupations of Members of Provisional Board of Directors.....

*Situation of Registered Office:.....

UTILISATION OF EXISTING BUILDING

Situation of building proposed to be utilised:.....

For what purposes are the premises utilised at present?.....

What source of milk or milk products is to be used?.....

How is it proposed to dispose of or sell the dairy products?.....

ERECTION OF NEW BUILDING

Situation of proposed factory:.....

Purpose for which it is proposed to utilise the building?.....

What source of milk or milk products is to be used?.....

How it is proposed to dispose of or sell the dairy products?.....

.....
*DELETE IF NOT APPLICABLE

51

Form M.

DAIRY INDUSTRY ACT, 1973

INVITATION TO APPLY FOR AND APPLICATION FOR THE GRANT OF, A QUOTA

To.:

(Addressee)

(Date)

Dear Sir/Madam,

In accordance with the provisions of sections 26 (1) and 28 (1) of the Dairy Industry Act, 1973, you are invited to apply to the Authority for the granting of a quota for the supply of:

*
to be delivered during the quota year commencing on.....

and ending on.....both dates inclusive.

If you wish to apply for a quota, the application form below must be completed and returned to the Authority not later than

.....
Yours faithfully,

Manager.

(Please detach here)

TO: The Dairy Industry Authority of Western Australia,
P.O. Box 75, Claremont, W.A., 6010. Telephone: 31 4111.

I/WE.....
(if Proprietary Co., Society or Co-op., state registered name)

PLEASE USE BLOCK LETTERS

Hereby apply for the granting of a quota by the Authority in accordance with sections 26 (1) and 28 (1) of the Dairy Industry Act, 1973 for the supply of:

*
to be delivered during the quota year commencing on

and ending on....., both dates inclusive.

Date..... Signed.....
(if applicant is a company, show capacity of person signing.)

Address:.....

FOR OFFICIAL USE ONLY

Previous Quota

New Quota

Licence No.....

*

GRANTED/REFUSED

* Insert prescribed class.

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Form N.

DAIRY INDUSTRY AUTHORITY OF WESTERN AUSTRALIA
NOTICE OF BILL OF SALE, MORTGAGE, CHARGE, LIEN OR OTHER ENCUM-
BRANCE OR CLAIM OF OWNERSHIP
DAIRY INDUSTRY ACT, 1973

TO: The Dairy Industry Authority of Western Australia

I,.....of.....
 being a (1)....., the occupier of (2).....
premises situated at.....
delivering milk to the Authority do hereby give you notice that milk
 delivered to you in my name during the period from.....
 to.....is subject to a (3).....

Names and addresses of parties to such bill of sale, mortgage, charge, lien, encumbrance or
 contract are as follows:

Signature

Date

- (1) Insert dairyman or milk vendor.
 (2) Insert dairy or milk store.
 (3) Insert bill of sale, mortgage, charge, lien, encumbrance, a contract in derogation of my
 title to supply such milk as the absolute owner thereof, as the case may be.

Form P.

DAIRY INDUSTRY ACT, 1973

(No.
in duplicate)

LICENCE TO OPERATE A PACKING PLACE

- (1) Name of Licensee:.....
 (2) Postal Address:.....
 (3) This licence is valid up to and including June 30, 19....., unless previously cancelled, sus-
 pended or surrendered.

THIS IS TO CERTIFY that each of the persons named above is licensed by the Dairy Industry
 Authority of Western Australia under the provisions of sections 52 to 60 of the Dairy Industry
 Act, 1973 and is, subject to any conditions endorsed hereon, authorised to.....

on the premises situated at.....
 in the.....dairy area,.....district.

Other Conditions:

Dated this

day of

19.....

The Dairy Industry
 Authority of
 Western Australia.

Manager

This licence is NOT TRANSFERABLE without the consent in writing of the Authority

Form 1

Reg. No.

SECOND SCHEDULE

WESTERN AUSTRALIA

Dairy Industry Act, 1973

Regulation 24

REGISTER OF DAIRY PRODUCE PREMISES

Name of Owner or Occupier.....

Location of Premises.....

(Location or Lot No. on which premises are situated)

Postal Address

Local Authority.....

(Postcode)

Type of Premises.....

(dairy, store, cold store, depot, packing place, dairy produce factory)

Date of Application			Date of Approval			Purpose or purposes for which registered as a dairy produce premises
To Register	To Renew	To Amend	To Register	To Renew	To Amend	

53

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Form 2

Reg. No.....

WESTERN AUSTRALIA

DAIRY INDUSTRY ACT, 1973

Regulation 25

APPLICATION FOR REGISTRATION OF PREMISES AS DAIRY PRODUCE PREMISES (OTHER THAN DAIRIES)

TO: Chief, Division of Dairying,
 Department of Agriculture,
 Jarrah Road,
 SOUTH PERTH. W.A. 6151.

I/We.....
 (Full name(s))

(and).....

carrying on the business under the name of.....

hereby apply for the *registration of *renewal of registration of the dairy produce premises

situated at.....

..... (Location or Lot No. on which premises are located) (Local Authority)

as a.....
 (store, cold store, depot, Dairy Produce factory, packing place)

to be used for the following purposes:.....

*These premises are at present registered in the Register of Dairy Produce Premises under

No.....
 (* Strike out if not applicable)

..... Date Signature of applicant or his agent

Postal Address:

It is necessary to itemise the complete list of the different types of products manufactured, treated, stored or packaged.

(Application for renewal of registration shall be lodged with the Dairying Division, Department of Agriculture, South Perth not later than April 1 of each year).

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Form 3

Reg. No.....

WESTERN AUSTRALIA
DAIRY INDUSTRY ACT, 1973
Regulation 26

CERTIFICATE OF REGISTRATION OF PREMISES AS DAIRY PRODUCE PREMISES

Dear Sir,

This is to certify that the following premises located at:

.....
Location of Lot No.

in the municipal district of.....

have been registered as a
(dairy, store, cold store, depot, Dairy Produce factory, packing place)

to be used for the following purposes:.....

This Certificate is valid until April 30.....

Trading Name.....

Chief, Division of Dairying.....

Date

(Application for renewal of registration shall be lodged with the Dairying Division, Department of Agriculture, South Perth not later than April 1 of each year).

Form 4

Reg. No.....

WESTERN AUSTRALIA
DAIRY INDUSTRY ACT, 1973
Regulation 29

APPLICATION TO AMEND REGISTER OF DAIRY PRODUCE PREMISES

TO: Chief, Division of Dairying,
Department of Agriculture,
Jarrah Road,
SOUTH PERTH. W.A. 6151.

I/We.....
(Full name(s))

and.....

carrying on business under the name of.....

.....
being the owner or occupier of premises that are registered as a(Type of dairy produce premises, dairy, store, cold store, depot, Dairy Produce factory,
packing place.)under No.....hereby apply to amend the registration of these premises
(give Registered No. of dairy produce premises)by adding to/varying/deleting from the purposes for which the premises are registered to be
used for the following purpose or purposes:.....
(Set out addition, variation or deletion now applied for)

Date

Signature of applicant or his agent

Postal Address:

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Form 5

WESTERN AUSTRALIA
DAIRY INDUSTRY ACT, 1973
NOTICE OF SUSPENSION OF REGISTRATION
Regulation 33

TO.

DAIRY PRODUCE PREMISES REGISTRATION NO.

You are hereby notified that the registration to use the above dairy produce premises for the following purpose(s):

.....
.....

has been suspended for the reasons.....

The suspension will remain in force until.....

.....
.....
.....

CHIEF, DIVISION OF DAIRYING

.....
Date

Form 6

WESTERN AUSTRALIA
DAIRY INDUSTRY ACT, 1973
NOTICE OF REVOCATION OF A SUSPENSION ORDER
Regulation 33

TO:

DAIRY PRODUCE PREMISES REGISTRATION

You are hereby notified that the notice issued to you on suspending the registration to use the above dairy produce premises for the following purpose(s):

.....
.....

has been revoked as from.....

CHIEF, DIVISION OF DAIRYING

.....
Date

57

Form 7

WESTERN AUSTRALIA
DAIRY INDUSTRY ACT, 1973
NOTICE OF CANCELLATION OF REGISTRATION
Regulation 35

TO:

DAIRY PRODUCE PREMISES REGISTRATION NO.

You are hereby notified that the registration to use the above dairy produce premises for the following purpose(s):.....

.....
.....

has been cancelled for the reasons.....

.....
.....

CHIEF, DIVISION OF DAIRYING

Date

Form 8

DAIRY INDUSTRY ACT, 1973

Section 88 Regulation 154

NOTICE, ORDER, DEMAND OR REQUIREMENTS UNDER THE DAIRY INDUSTRY
ACT, 1973

TO:

.....

.....

.....

Take notice that I, the undersigned under the powers vested in me under the Dairy Industry Act, 1973, require that you comply with the following direction:

Dated at.....

This.....day of.....19.....

Signature.

Form 9

DAIRY INDUSTRY ACT, 1973

Regulation 125

APPLICATION FOR REGISTRATION OF A DAIRY PRODUCE BRAND OR MARK

TO: The Chief, Division of Dairying,
Department of Agriculture,
Jarrah Road,
SOUTH PERTH. W.A. 6151.

I hereby apply for the registration of the brand or mark, the description and details of which are below. Two copies of the brand or mark are enclosed herewith.

The brand or mark has been (or is being) registered as a trade mark in the Trade Marks Office of the Commonwealth.

The prescribed fee of two dollars is enclosed.

Date _____

.....
Applicant

Name and Address of Owner	Description of Brand or Mark

Certificate of Registration of Trade Mark No.....

Date.....

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Form 10

DAIRY INDUSTRY ACT, 1973

Regulation 125

CERTIFICATE OF REGISTRATION OF A DAIRY PRODUCE BRAND OR MARK

TO: Department of Agriculture,
 Jarrah Road,
 SOUTH PERTH. 6151.

This is to certify that the brand or mark for which an application for registration under the Dairy Industry Act, 1973, was made dated.....has been so registered by the Department of Agriculture.

..... Date Chief, Division of Dairying

Form 11

DAIRY INDUSTRY ACT, 1973

Regulation 126

APPLICATION FOR TRANSFER OF A DAIRY PRODUCE BRAND OR MARK

TO: The Chief, Division of Dairying,
 Department of Agriculture,
 Jarrah Road,
 SOUTH PERTH. 6151.

I hereby apply for the transfer of the right to use the brand or mark, the description and details of which are below and which is registered as a brand or mark under the Dairy Industry Act, 1973, to the person below.

Description of brand or mark:

Name and address of the owner in whose name the brand or mark is registered:

Name and address of the person to whom the right to use the brand or mark is to be transferred:

The prescribed fee of two dollars for a transfer of a brand or mark is enclosed.

.....
 Signature of person to whom the right to
 use the brand or mark is to be transferred.

.....
 Signature of the owner or his agent.

.....
 Date

60

Form 12

No.....

DAIRY INDUSTRY ACT, 1973

Regulation 80

NOTICE OF INTENTION TO SUBMIT MILK AND DAIRY PRODUCE FOR GRADING

TO: Chief, Division of Dairying,
Department of Agriculture,
Jarrah Road,
SOUTH PERTH. 6151.

Original to Chief, Division of
Dairying

First Copy to Dairy Industry
Authority

Second Copy to Manager grading
premises.

The undermentioned milk and dairy produce were consigned from.....

to premises at.....on.....

19.....

Type of milk or produce.....Total mass or quantity.....

Factory of manufacture.....

Code Marks:

Mass or quantity of each sample for grading	Batch Code	Date of Manufacture	Mass or quantity in batch	Remarks
1.....				
2.....				
3.....				
4.....				
5.....				
6.....				
7.....				
8.....				
9.....				
10.....				
11.....				
12.....				
13.....				
14.....				
15.....				

DATE:

Signature.....

For.....

61

Form 13

Certificate No.....

Notice of Intention No.....

DAIRY INDUSTRY ACT, 1973

GRADING CERTIFICATE

TO:

.....

.....

.....

The undermentioned Milk and Dairy Produce was examined on.....

19.....at

grading premises and graded as below.

Type of milk or Produce.....Total Mass or Quantity.....

Factory of Manufacture.....

Code Marks:

Batch Code	Date of Manufacture	Mass or quantity in batch	Flavour	Texture	Cond.	Total Remarks
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

REMARKS:

.....
Grader

62

Form 14

DAIRY INDUSTRY ACT, 1973

Department of Agriculture,
PERTH.

....., 19.....

CREAM GRADER'S CERTIFICATE

No.

This Certificate of Competency in Cream Grading is issued to.....
.....
under the Dairy Industry Act, 1973.

.....
CHIEF, DIVISION OF DAIRYING

Form 15

DAIRY INDUSTRY ACT, 1973

Department of Agriculture,
PERTH.

....., 19.....

MILK GRADER'S CERTIFICATE

No.

This Certificate of Competency in Milk Grading is issued to.....
.....
under the Dairy Industry Act, 1973.

.....
CHIEF, DIVISION OF DAIRYING.

Form 16

DAIRY INDUSTRY ACT, 1973

Department of Agriculture,
PERTH.

....., 19.....

TANKER DRIVER MILK GRADER'S CERTIFICATE

No.

This Certificate of Competency in Tanker Driver Milk Grading is issued to.....
.....
under the Dairy Industry Act, 1973.

.....
CHIEF, DIVISION OF DAIRYING

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Form 17

DAIRY INDUSTRY ACT, 1973

Department of Agriculture,
PERTH.

....., 19.....

MILK AND CREAM TESTER'S CERTIFICATE

No.

This Certificate of Competency in Milk and Cream Testing is issued to.....

.....
under the Dairy Industry Act, 1973......
CHIEF, DIVISION OF DAIRYING.

Form 18

DAIRY INDUSTRY ACT, 1973

Department of Agriculture,
PERTH.

....., 19.....

CERTIFICATE FOR A PRODUCT MAKER—BUTTER

No.

This Certificate of Competency in Butter-making under the Dairy Industry Act, 1973, is issued
to..........
CHIEF, DIVISION OF DAIRYING

Form 19

DAIRY INDUSTRY ACT, 1973

Department of Agriculture,
PERTH.

....., 19.....

CERTIFICATE FOR A PRODUCT MAKER—CHEESE

No.

This Certificate of Competency in Cheese-making under the Dairy Industry Act, 1973, is issued
to..........
CHIEF, DIVISION OF DAIRYING

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Form 20

DAIRY INDUSTRY ACT, 1973

Regulation 151

CERTIFICATE BY ANALYST OR EXAMINER

I, the undersigned, an Analyst or Examiner appointed under the Health Act, 1911
Dairy Industry Act, 1973

*do hereby certify that on the.....day of.....,

19....., there was delivered to me personally by (a).....

from.....

an Inspector appointed under the Dairy Industry Act, 1973 *

an officer appointed for the purposes of the Dairy Industry Act, 1973

a sample of (b).....

for examination,* and that I have examined* the same,* following the Australian Standard*
analysis analysed Approved

method as required in the Regulations of the said Act, and that the result of my examination*
analysis

is as follows:

.....
.....
.....

As witness my hand at.....

this.....day of....., 19.....

.....
Analyst, Examiner*

* Strike out words not required.

(a) Insert the name and address of the officer from whom the sample was received.

(b) State the nature of the package in which the sample was included, how it was labelled
and marked, and, how sealed.

THIRD SCHEDULE

TEMPERATURE FOR STORAGE OF DAIRY PRODUCE

Regulation 104

Type of Dairy Produce	Maximum Temperature for and during Storage or While Held
Skim Milk, plain or flavoured	5 degrees Celsius
Flavoured Milk	5 degrees Celsius
Butter (except tinned)	5 degrees Celsius
Yoghurt	5 degrees Celsius
Milk Custard	5 degrees Celsius
Cottage Cheese, Cream Cheese	5 degrees Celsius
Cheese other than Cottage Cheese or Cream Cheese	10 degrees Celsius

FOURTH SCHEDULE
LABELLING OF MILK AND DAIRY PRODUCE

Regulation 123

Class of Milk or Dairy Produce	Wording or Lettering Required in Bold Face Sanserif Capitals	Minimum Size of Letters
Pasteurised Milk	<p>"Milk"</p> <p>"Pasteurised"</p> <p>"Homogenised" (when applicable)</p> <p>name of manufacturer,</p> <p>and day of the year on which container was filled</p>	<p>(i) 3 mm on bottle caps</p> <p>(ii) Containers less than 10 litres: 6 mm</p> <p>(iii) Containers of 10 litres or greater: 18 mm</p> <p>3 mm</p> <p>3 mm</p> <p>2 mm</p> <p>3 mm</p>
Pasteurised Cream	<p>"Cream"</p> <p>or "Light Cream"</p> <p>or "Reduced Cream"</p> <p>or "Cream Mixture"</p> <p>or "Thickened Cream"</p> <p>or "Whipping Cream"</p> <p>or "Rich Cream"</p> <p>"Pasteurised"</p> <p>the minimum percentage of milk fat required by these regulations as ".....% fat"</p> <p>name of manufacturer</p> <p>day of the year on which container was filled</p> <p>and, in the case of thickened cream or cream mixture, the words "Thickeners Added"</p>	<p>(i) 3 mm on bottle caps</p> <p>(ii) Containers less than 0.5 litre: 6 mm</p> <p>(iii) Containers of 0.5 litre or greater: 12 mm</p> <p>3 mm</p> <p>3 mm</p> <p>2 mm</p> <p>3 mm</p> <p>1.5 mm</p>
Scalded Cream	<p>"Scalded Cream"</p> <p>or "Devonshire Cream"</p> <p>or "Clotted Cream"</p> <p>the minimum percentage of milk fat required by these regulations as ".....% fat"</p> <p>Name of Manufacturer</p> <p>and day of the year on which container was filled</p>	<p>(i) 3 mm on bottle caps</p> <p>(ii) Containers less than 0.5 litre: 6 mm</p> <p>(iii) Containers of 0.5 litre or greater: 12 mm</p> <p>3 mm</p> <p>2 mm</p> <p>3 mm</p>
Sour Cream	(As for Pasteurised Cream but with the word "Sour" preceding the description of the type of cream.)	<p>(i) 3 mm on bottle caps</p> <p>(ii) Containers less than 0.5 litre: 6 mm</p> <p>(iii) Containers of 0.5 litre or greater: 12 mm</p>
Yoghurt*	<p>"Yoghurt"*</p> <p>or "Reduced Fat Yoghurt"*</p> <p>or "Non Fat Yoghurt"*</p> <p>or "Fruit Yoghurt"*</p> <p>"Natural" or "Flavoured" preceding the description of the type of yoghurt</p> <p>description of flavour (where applicable)</p> <p>name of manufacturer</p> <p>and day of the year on which yoghurt is placed in container</p>	<p>(i) Containers less than 2 kg: 6 mm</p> <p>(ii) Containers of 2 kg or greater: 12 mm.</p> <p>3 mm</p> <p>6 mm</p> <p>2 mm</p> <p>3 mm</p>
Flavoured Milk	<p>"Flavoured Milk"</p> <p>or "Flavoured Reduced Fat Milk"</p> <p>or "Flavoured Non Fat Milk"</p> <p>or "Flavoured Skim Milk"</p> <p>description of flavour</p> <p>name of manufacturer</p> <p>and day of the year on which flavoured milk is placed in container</p>	<p>(i) Containers less than 2 litres: 6 mm</p> <p>(ii) Containers of 2 litres or greater: 12 mm</p> <p>6 mm</p> <p>2 mm</p> <p>3 mm</p>

FOURTH SCHEDULE—continued.

Class of Milk or Dairy Produce	Wording or Lettering Required in Bold Face Sanserif Capitals	Minimum Size of Letters
Skim Milk or Non Fat Milk	"Skim Milk"	(i) Containers less than 2 litres: 6 mm
	or "Non Fat Milk"	
	"Pasteurised"	(ii) Containers of 2 litres or greater: 12 mm
	name of manufacturer	3 mm
	and day of the year on which container was filled	2 mm
Milk Custard	"Milk Custard"	3 mm
	or "Reduced Fat Milk Custard"	(i) 3 mm on bottle caps
		(ii) Containers less than 2 litres: 6 mm
		(iii) Containers of 2 litres or greater: 12 mm
	name of manufacturer	2 mm
	and the day of the year on which milk custard is placed in container	3 mm

* Footnote: The alternative spelling "yogurt" is permitted.

FIFTH SCHEDULE

DETECTION OF INHIBITORY SUBSTANCES IN CREAM

1. APPARATUS

- (i) Rimless bacteriological test tubes, nominal size 150/16 mm, graduated to 10 ml and provided with rubber stoppers.
- (ii) Pipettes, 1 ml and 10 ml.
- (iii) A water bath which can restore the water to the boil within 30 s of the cream filled tubes having been placed in the boiling water.
- (iv) A water bath capable of being maintained at $37.5 \pm 0.5^{\circ}\text{C}$.

2. MATERIALS

- (i) Culture of the thermophilic *Streptococcus* strain TSI.
- (ii) Stock culture medium prepared by mixing 500 ml of skim milk free of inhibitory substances, 5 grams yeast extract and 1 ml of 2% alcoholic brom-cresol purple. The mixture is sterilised in an autoclave at a pressure of 1.06 kilograms per square centimetre for 15 minutes in bottles containing some sterile calcium carbonate.
- (iii) Yeast extract solution containing brom-cresol purple, prepared by mixing 50 grams yeast extract, 15 ml of 2% alcoholic brom-cresol purple in 500 ml water. The mixture is sterilised in an autoclave at a pressure of 1.06 kilograms per square centimetre for 15 minutes.

3. PREPARATION OF TEST CULTURE

Prepare the test culture by inoculating the stock culture medium with 1 per cent v/v of TSI culture and incubate for 18 h at $37 \pm 1^{\circ}\text{C}$. The resultant test culture should then be clotted but without free whey.

4. PREPARATION OF TEST INOCULUM

Add 2 ml of the test culture to 10 ml of the yeast extract solution, being careful not to carry over any of the calcium carbonate. Stopper the mixture and shake vigorously until a uniform suspension is attained.

Fifth Schedule—*continued*.

5. TEST PROCEDURE

- (a) Mix the sample of cream as specified in Clause 3.1.5. (a) of Part 1 of AS 1095.
- (b) Fill one 150/16 mm tube to the 10-ml mark with the sample of cream under test.
- (c) Fill a second 150/16 mm tube to the 10-ml mark with a known negative control cream.
- (d) Immerse the tubes in the boiling water bath so that the level of the cream is just below the level of the water.
- (e) After 5 min. remove the tubes and cool to about 30°C in a cold water bath.
- (f) To each tube add 1 ml of the test inoculum prepared as in Clause 4.

NOTE: During these additions it is important to keep the inoculum uniformly suspended by inverting twice between each addition of inoculum. The added inoculum should not include froth.

- (g) Stopper the tubes, mix by inverting until a uniform colour is attained, and then place in a water bath maintained at $37.5 \pm 0.5^\circ\text{C}$. Note the time.
- (h) After 3h, or earlier if a clear indication is given, examine the contents of the tubes.

6. INTERPRETATION OF RESULTS

If the tube with the sample of cream under test is unchanged in colour, whereas the tube with the negative control sample has changed to show a yellow tinge, the presence of some inhibitory substance in the sample under test is indicated.

SIXTH SCHEDULE

Regulation 79

TYPES OF MILK AND DAIRY PRODUCE FOR EXAMINATION, GRADING AND SAMPLING BY AN INSPECTOR, AND FEES TO BE PAID

Types of milk and dairy produce							Fees to be paid for grading
Butter	....	....	....	....	....	....	4 cents per 100 kilograms or part thereof
Cheese (All varieties of natural cheese)	....	....	....	....	....	....	16 cents per 100 kilograms or part thereof