

Western Australia

## **Dairy Industry Regulations 1977**

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As at 03 Dec 1999

Version 00-x0-02

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# Dairy Industry Regulations 1977

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**Notes**



Western Australia

DAIRY INDUSTRY ACT 1973

## **Dairy Industry Regulations 1977**

## **Part I — Preliminary**

### **1. Citation**

These regulations may be cited as the *Dairy Industry Regulations 1977*<sup>1</sup>.

[2. *Regulation 2 repealed in Gazette 31 March 1989 p.873.*]

### **3. Interpretation**

(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;

“**carrier**” means a person who merely delivers and does not purchase for resale;

“**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;

“**consumer**” means a domestic consumer who purchases for consumption;

“**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;

“**Health (Food Standards) (General) Regulations 1987**” means the *Health (Food Standards) (General) Regulations 1987* made under the *Health Act 1911*;

“**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;

“**manufacturing cream**” means cream which is used, or intended to be used, in the manufacture of dairy produce;

“**manufacturing milk**” means milk which is used, or intended to be used, in the manufacture of dairy produce;

“**market cream**” means cream which is used, or intended to be used, for human consumption as cream;

“**market milk**” means milk which is used for human consumption or is intended to be used for human consumption, as milk or cream;

“**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;

**“milk wholesaler”** means an owner or proprietor of a dairy produce factory who supplies milk wholesale.

**“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;

**“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;

**“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.

**“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 10 metres of the dairy, and **“yards”** shall have a corresponding meaning.

- (2) The standards and provisions of the preliminary provisions and Parts A and H of the *Health (Food Standards) (General) Regulations 1987* 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.

*[Regulation 3 amended in Gazette 20 December 1985 p.4884; 31 March 1989 p.873.]*

## **Part II — Dairy Industry Authority**

### **4. Fees and allowances**

- (1) Fees and expense allowances are payable to the members of the Authority as set out in subregulations (2) and (3).
- (2) From 9 October 1996 the fee for a member of the Authority is payable at the rate of —
  - (a) for the Chairman of the Authority, \$10 000 a year; and
  - (b) for each other member, \$5 300 a year.
- (3) From 6 September 1999 until 30 June 2000 the expense allowance for a member of the Authority is payable at the rate of —
  - (a) for the Chairman of the Authority, \$5 350 a year; and
  - (b) for each other member, \$850 a year.

*[Regulation 4 inserted in Gazette 3 December 1999 p.5969.]*

### **5. Travel and other allowances**

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. Remuneration for Quota Appeals Committee**

- (1) Subject to subregulations (2) and (3) the chairperson and members of the Quota Appeals Committee shall, for services



rendered in that capacity, by attendance at meetings or otherwise, be paid a fee —

- |                               |       |   |
|-------------------------------|-------|---|
| (a) for the chairperson ..... | \$145 | for each full day and \$97 for each half day or part thereof. |
| (b) for a member .....        | \$108 | for each full day and \$73 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.

*[Regulation amended in Gazette 28 October 1977 p.3835;  
2 February 1979 p.332; 29 August 1980 p.3096;  
24 October 1980 p.3666; 19 October 1984 p.3417;  
18 March 1988 p.873.]*

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**7. Common Seal**

- (1) The form of the Common Seal of the Authority is:



- (2) The Manager of the Authority shall hold the Common 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 Common Seal relates to a matter which the Chairman considers to be formal or of especial urgency the Chairman may direct that the Common 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 Common Seal shall be attested by the Chairman or some other member of the Authority and by the Manager.

*[Regulation 7 amended in Gazette 20 December 1985 p.4884.]*

**8. Authority members — nominations by dairymen**

- (1) Where a vacancy occurs, or is about to occur, in the office of an Authority member to which section 11 (3) (a) of the Act applies, the Minister shall cause to be published in a newspaper with

circulation throughout the State a notice calling for dairymen to nominate persons to be members under that provision.

- (2) A dairyman who wishes to nominate a person to be an Authority member under section 11 (3) (a) of the Act shall —
  - (a) nominate the person in writing; and
  - (b) send the nomination and a resume of the nominee's relevant qualifications to the Minister's office.
- (3) For the purposes of section 11 (5) of the Act, the time by which a nomination referred to in subregulation (2) is to be submitted is no later than 21 days after the day on which the notice referred to in subregulation (1) is published.

*[Regulation 8 inserted in Gazette 2 February 1996 p.394.]*

**8A. Authority members — nominations by relevant bodies**

- (1) Where a vacancy occurs, or is about to occur, in the office of an Authority member to which section 11 (3) (b) of the Act applies, the Minister shall write to the relevant body referred to in that section and request the body to nominate a person for the purposes of that section.
- (2) Where a body receives a request under subregulation (1) the body shall —
  - (a) nominate a person in writing; and
  - (b) send the nomination and a resume of the nominee's relevant qualifications to the Minister's office.
- (3) For the purposes of section 11 (5) of the Act, the time by which a nomination referred to in subregulation (2) is to be submitted is no later than 21 days after the day on which the request referred to in subregulation (1) is sent.

*[Regulation 8A inserted in Gazette 2 February 1996 p.394.]*

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**9. Licences**

- (1) Licences that are required to be obtained in accordance with the Act are specified in Part I of the First Schedule.
- (1a) Applications for licences and the licences shall be in a form approved by the Authority, and in the case of an application for a licence as a milk or dairy produce dealer shall be accompanied by a fee of \$10.
- (1b) Application for consent to the erection or use of premises as a Dairy Produce factory shall be in the form of Form L in Part II of the First Schedule.
- (1c) An invitation to apply for and application for the grant of, a quota for milk for market use or products use shall be in the form of Form M in Part II of the First Schedule.
- (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 the definition of “**vendor**” in section 5 of the Act a person who by himself or his employees distributes and sells milk to consumers from a vehicle shall be a person of a prescribed class.

*[Regulation 9 amended in Gazette 4 September 1981 p.3891;  
20 December 1985 p.4884.]*

**9A. Scope of licence**

Where a licence relates to an area or district, described in that licence, the authority of the licence does not apply outside that area or district so described.

*[Regulation 9A inserted in Gazette 20 December 1985 p.4884.]*

**9B. Wholesaler only to supply licence holder**

A milk wholesaler shall not supply milk or dairy produce to any person other than —

- (a) the holder of a milk vendor licence or a milk distributor licence; or
- (b) a carrier, for delivery to or on behalf of a milk vendor or milk distributor in a country district.

*[Regulation 9B inserted in Gazette 20 December 1985 p.4884.]*

**10. False or misleading information**

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: \$200.

*[11. Repealed in Gazette 20 December 1985 p.4884.]*

**12. 30 days to appeal licence decision**

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 30 days after service of the notification of the decision of the Authority.

**13. Authority may require records from licence holder**

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.

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**14. Records — milk vendors and distributors**

Every milk vendor and every milk distributor shall keep records indicating —

- (a) the quantity of milk purchased and received by him on every day;
- (b) the quantity of milk sold, supplied or distributed by him on every day and the dairy area and district in which such sale, supply or distribution is made; and
- (c) the names and addresses of the persons from whom he acquired the milk so sold, supplied or distributed.

*[Regulation 14 inserted in Gazette 4 September 1981 p.3892.]*

**15. Records — licence holders**

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. Licence holder to provide monthly returns**

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. Falsifying returns**

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. Authority to provide monthly statistics**

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.

**18A. Annual remittance**

The sum of money which may be remitted annually by the Authority to the Department pursuant to section 80 of the Act shall be calculated in accordance with the Seventh Schedule.

*[Regulation 18A inserted in Gazette 28 May 1982 p.1748.]*

**Part III — Standards for milk, filled milk and dairy produce**

*[Heading amended in Gazette 10 November 1982 p.4571.]*

**19. Methods of analysis of milk or dairy produce**

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 2300.2.5 or AS 2300.2.4

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 Roese-Gottlieb Method or 16.138 Roese-Gottlieb Method.

*[Regulation 19 amended in Gazette 20 December 1985 p.4885.]*

**20. Pasteurised milk, milk products and cream**

Notwithstanding the *Health (Food Standards) (General) Regulations 1987*, milk, milk products or cream may be processed by pasteurisation by —

- (a) heating the milk, milk product or cream using any time and temperature combination mentioned in the Ninth Schedule; and



- (b) then immediately shock cooling to a temperature below 4.5° C.

*[Regulation 20 inserted in Gazette 31 March 1989 p.874.]*

*[21. Repealed in Gazette 31 March 1989 p.874.]*

**22. Offences relating to the sale of milk, dairy produce, etc.**

*[(1) repealed]*

(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 *Health (Food Standard) (General) Regulations 1987*.
- (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

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- (c) has not been obtained from a licensed dealer, licensed vendor, licensed distributor, licensed wholesaler 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, licensed vendor, licensed distributor or licensed wholesaler of milk and dairy produce.

*[Regulation 22 amended in Gazette 4 September 1981 p.3892; 20 December 1985 p.4885; 31 March 1989 p.874.]*

**23. Sale of substandard milk**

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 30 days immediately before or within 5 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.

**23A. Filled milk**

- (1) Filled milk is any liquid or powder which contains —
  - (a) the non-fat solids of milk as determined by the presence of lactose or orotic acid or both of these substances; and
  - (b) any fat other than butter fat as determined by the detection of the presence of sterols other than cholesterol,

when tested in accordance with subregulation (2) of this regulation.

- (2) The presence in filled milk of —
  - (a) lactose shall be determined by the method described in the publication entitled “Official Methods of Analysis of the Association of Official Analytical Chemists”, 13th edition, Washington, U.S.A., 1980 and referred to as 16.057, Gravimetric Method for Lactose or by such other method as may be approved by the Director of the Government Chemical Laboratories;
  - (b) orotic acid shall be determined by the method described by A. W. Archer, Analyst 1973, Vol. 98, pages 755-758 or by such other method as may be approved by the Director of the Government Chemical Laboratories;

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- (c) any sterol other than cholesterol shall be determined by the method described in the publication entitled “Official Methods of Analysis of the Association of Official Analytical Chemists”, 13th edition, Washington, U.S.A., 1980 and referred to as 28.089, Gas Chromatographic Method (Sterol Acetates) (23) or by such other method as may be approved by the Director of the Government Chemical Laboratories.

*[Regulation 23A inserted in Gazette 19 November 1982  
p.4571.]*

## **Part IV — Registration of premises**

### **24. The Register**

- (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. Application for registration**

- (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, and an application for the registration or renewal of registration of premises other than a dairy as dairy produce premises shall be in an approved form.

*[Regulation 25 inserted in Gazette 20 December 1985 p.4885.]*

### **26. Certificate of registration**

- (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. Duration of registration**

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. Renewal of registration**

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. Amendment of registration**

- (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. Notification of transfer of premises**

- (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. Suspension of registration**

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. Lifting of suspension of registration**

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. Suspension order**

- (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. Circumstances where registration may be cancelled**

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. Cancellation order**

- (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. Code of Practice adopted**

- (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.

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- (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. Specifications of registered premises**

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. Approval required for construction**

- (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 3 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. Offences in relation to sale from incorrectly registered premises**

- (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. Compliance by persons with registered dairies**

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. Positioning of dairy**

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. Roofing**

- (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 2 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. Walls**

- (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. Floors**

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;
- (d) 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. Drains**

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. Sumps**

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. Contamination from effluent prohibited**

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. Effluent discharge to be lawful**

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. Drains, etc., to be clean**

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

**50. Milk room**

- (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. Railings, etc., to be galvanised**

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. Feed and feed bins, troughs, etc.**

- (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

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- (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. Dairy yards**

- (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. Cleanliness of dairy, appliances, etc.**

- (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.

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

**55. Cleanliness of workers**

- (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 to be filtered**

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

**57. Cooling and refrigeration**

- (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 3½ 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. Dairy only to be used for milk and cream**

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

**59. No living or sleeping in dairy**

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

**60. Requirements for milking machines and plant**

- (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. Piping and machine fittings**

- (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

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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. Water**

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. Cleaning a milking plant after use**

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. Storage of plant, appliances, etc.**

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. Dairy and equipment to comply with regulations**

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. Grading of milk**

- (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% 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. Grading of cream**

- (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. Substandard milk to be reported and dyed**

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

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- (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. Contaminated milk and cream**

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. Grading of bulk milk**

- (1) The milk or cream in each bulk milk tank or can supplied by a dairyman shall be graded by a certificated milk graders senses of sight, taste and smell.
- (2) The grade so determined shall be recorded in an approved manner.

**71. Testing of milk**

- (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 4 composite sampling periods each of which shall be not less than 7 days nor



more than 8 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. Samples and test records to be available**

- (1) The manager of every factory or depot shall have available for the purpose of check testing by an inspector —
  - (a) 50 samples of both milk and cream from the last series of samples tested, or where there are less than 50 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.

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**73. Manager to furnish Department with test results**

- (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. Manager to furnish Department with grade statement**

- (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. Falsification of grading or grading records**

- (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. Milk, etc., to be identified**

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 45 litres of milk or cream.

**77. Grading of butter**

- (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. Grading of cheese**

- (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. Further requirements relating to milk and dairy produce**

- (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 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 except where such grading and examination is carried out by a grader on behalf of the Authority.
- (5) The fees to be paid under this regulation are set out in the Sixth Schedule.

*[Regulation 79 amended in Gazette 28 May 1982 p.1748.]*

**80. Where milk, etc., may be graded**

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 —

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- (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. Notice of Intention (Form 12)**

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 3 days before the milk and dairy produce arrives at that place.

**82. Graders of milk, etc.**

- (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. Tanker Driver Milk Grader**

- (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 2 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° 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;

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- (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. Tanker to be rinsed immediately**

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. Unacceptable milk not to be mixed with suitable milk**

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. Mixed milk to be lowest grade**

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. Installation of a bulk milk tank**

- (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 7 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. Requirements for a bulk milk tank**

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. Bulk milk tank to comply with standard**

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. Equipment and identification of milk tanker**

- (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. Equipment and requirements for tanker cleaning**

- (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. Inspection of tanker**

- (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. Inspection of vat, tank, etc.**

- (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. Dairy produce premises records**

- (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.

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- (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. Temperature of bulk milk to be recorded**

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 thermograph located in a position approved by an inspector.

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**Part VIII — Dairy produce premises and the handling  
and storage of milk and dairy produce**

**96. Requirements for dairy produce premises**

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. Requirements for cold store, depot, factory, etc.**

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;

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- (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. No animals near coldstore, depot, factory, etc.**

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. Nothing else to be stored with milk**

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. Storage of milk intended for sale**

- (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. Grading rooms**

- (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. Laboratory for testing, etc., milk**

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

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of testing, examining and grading the milk and cream supplied and delivered to that premises.

**103. Pasteurisation**

- (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° 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° 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. Storage temperature for milk**

- (1) All milk shall be cooled to a temperature of below 5°Celsius immediately upon receipt at any dairy produce premises except where the milk is to be pasteurised within 2 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 ° Celsius, except at a dairy produce premises where such milk or cream is —
  - (a) to be pasteurised within 2 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. Approved bottles and cartons**

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;

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- (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. Milk for sale must have complied with regulations**

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. Milk with damaged packaging**

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. Requirements for persons involved in milk production, etc.**

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 sterilized after use by an approved method; and
- (e) wear clean, washable outer garments and keep his hands and person clean.

**109. Pipes, containers, etc.**

- (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. Materials used for milk vessels**

- (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.

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- (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. Milk vessels to be marked**

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. Packaging of milk**

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. Storage of milk, vessels, etc.**

- (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. Cleaning of utensils, vats, fittings, etc.**

- (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.

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**115. Storing clean equipment**

- (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. Sterilization of equipment**

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. Contamination of pasteurised milk**

- (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. Milk not to be left standing in pasteurisation room**

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. No filters for pasteurised milk**

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. Long storage quality levels**

- (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. Monitoring quality level of long storage dairy produce**

- (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. Maintaining quality level of long storage dairy produce**

- (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 10 ° Celsius, and butter shall not be held under long storage at temperatures greater than minus 10 ° Celsius.

## **Part X — Packing and labelling**

### **123. Non-compliance of packaging**

*[(1), (2) and (3) deleted]*

- (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 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.

*[Regulation 123 amended in Gazette 31 March 1989 p.874.]*

### **124. Reduced fat milk products**

- (1) The words “Reduced Fat” or any word or words having the same or a similar effect shall not be written in the label on or attached to a package containing, nor used in any advertisement relating to, any liquid milk product unless it has a milk fat content of not more than 25 g/kg and not less than 10 g/kg and milk solids, non-fat, content of not less than 86 g/kg.
- (2) The labelling of reduced fat liquid milk products shall comply with the requirements for labelling pasteurized milk and flavoured milk under the *Health (Food Standards) (General) Regulations 1987* and these regulations.

*[Regulation 124 inserted in Gazette 31 March 1989 p.874.]*

*[125, 126, 127, 128, 129 and 130. Repealed in Gazette 31 March 1989 p.874.]*

## **Part XI — Sale and delivery of milk and dairy produce**

### **131. Identification and general construction of vehicles**

- (1) Every vehicle used for the distribution and sale of milk shall have permanently fixed upon both sides thereof, the letters 'D.A.' together with a number issued for the purpose by the Authority, in bold numerals not less than 75 mm in height.
- (2) A vehicle shall not be used to carry milk by any vendor, milk distributor or person unless that vehicle is identified as required under subregulation (1) and a vehicle shall not be used to carry milk or the dairy produce specified in the Eighth Schedule unless it is constructed and equipped in an approved manner.

*[Regulation 131 amended in Gazette 4 September 1981 p.3892; 20 December 1985 p.4885.]*

### **132. Cleanliness, etc., of vehicles**

- (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. Construction requirements for vehicles**

- (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;
  - (ab) does not contain any upholstery or absorbent materials;

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- (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 am. to carry milk or dairy produce intended for sale or delivery.

- (2) The temperature at which milk or dairy produce intended for sale shall be carried in a vehicle shall not exceed the temperature applicable to milk or to that type of dairy produce specified in the Third Schedule, but this regulation shall not apply to a milk vendor delivering milk to consumers.
- (3) All doors and openings to the portion of a covered vehicle in which milk or dairy produce is being carried shall be kept closed except that one door may be opened when a delivery is taking place.
- (4) A person shall not expose or cause to be exposed to —
  - (a) the direct rays of the sun;
  - (b) heat;
  - (c) any other factor which may cause deterioration in milk or dairy produce,

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, manager or a servant of or in 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.

*[Regulation 133 amended in Gazette 4 September 1981 p.3982; 20 December 1985 p.4885.]*

**133A. Non-conforming vehicles may be approved**

Notwithstanding regulation 133 (1) (a) and (b) a vehicle which does not conform to the requirements of those paragraphs may be approved, in writing by the manager, for use in the distribution and sale of milk and dairy produce.

*[Regulation 133A inserted in Gazette 20 December 1985 p.4885.]*

**134. Milk left in the sun, etc.**

A person shall not deliver, deposit or leave or cause to be delivered, deposited or left, 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.

*[Regulation 134 amended in Gazette 20 December 1985 p.4885.]*

**134A. Storage of re-use containers**

A person shall not deposit or leave or cause to be deposited or left, any container intended for re-use for containing milk or dairy produce in any place where the container may be exposed to contamination by any means whatever.

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*[Regulation 134A inserted in Gazette 20 December 1985  
p.4885.]*

**135. Unsold milk round milk**

- (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 10° 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.

*[Regulation 135 amended in Gazette 20 December 1985  
p.4888.]*

**136. Facilities for cold storage of milk, and licensing of vendors**

- (1) Every person who holds any milk or dairy produce intended, but not currently being offered, for sale shall provide storage facilities which can maintain the temperature of the milk or dairy produce at not greater than the temperature applicable to milk or the relevant type of dairy produce specified in the Third Schedule, and shall not hold or keep milk or dairy produce except in 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 either directly or mixed with other matter shall keep or cause to be kept all milk in a cool room operated so as to maintain the air temperature therein below 5° Celsius.

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- (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 5 ° Celsius.
- [(5) repealed]*
- (6) A person shall not, except with the written approval of the Authority —
- (a) deliver or make available for delivery any milk to a milk vendor or milk distributor; or
  - (b) make a delivery of milk except to a registered store, outside the hours of delivery determined for that area or district by the Authority.
- (6a) A milk vendor or milk distributor or a person acting on behalf of a milk vendor or milk distributor shall not except with the written approval of the Authority, take delivery of or remove any milk from any person, cool room, store, dairy produce premises or vehicle outside the hours of delivery determined for that area or district by the Authority.
- [(7) repealed]*
- (8) Every holder of a milk vendor 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 provide a delivery service on the days of the week specified by the Authority;
  - (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 24 hours notice in writing of the alteration;

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- (8a) Every account rendered to a customer by the holder of a milk vendor licence or a milk distributor licence or a person acting on his behalf, shall show the name and address of the licence holder thereon.
- (9) At the time of granting to a person a milk vendor licence or milk distributor licence for any area or district, the Authority may specify the names or the addresses, or both the names and the addresses, of the persons 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 names or addresses or both of the persons to whom a milk vendor or milk distributor may deliver milk within an area or district, the vendor or distributor shall not deliver milk to any other person within that area or district.
- (11) Every holder of a milk vendor licence or milk distributor licence shall maintain complete records of the names and addresses of his customers and the quantity of milk sold or distributed both wholesale and retail.

*[Regulation 136 amended in Gazette 4 September 1981 p.3892; 20 December 1985 p.4886 and p.4888.]*



## **Part XII — Certificates of competency**

### **137. Graders to hold appropriate certificates**

- (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. All milk for sale to have been graded**

- (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. Certificates for butter and cheese product makers**

- (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. Application and examinations for certificates of competency**

- (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. Cream grader certificate**

- (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;
  - (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.

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**142. Milk grader certificate**

- (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 thermoduric 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
  - (l) the provisions of the Act and these regulations.

**143. Tanker driver milk grader certificate**

- (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;

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- (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. Milk and cream tester certificate**

- (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 thermoduric 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;

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- (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. “Product maker: butter” certificate**

- (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. “Product maker: cheese” certificate**

- (1) A certificate of competency for a “product maker: cheese” shall be in the form of Form 19.
- (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: —

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- (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. Recognition of interstate certificates**

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. Application for any certificates**

- (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. Cancellation of certificate**

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;

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- (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. Inspector may inspect and report on premises, etc.**

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. Procedure when inspector analyses sample**

- (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 3 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;

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- (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 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.

*[Regulation 151 amended in Gazette 31 August 1984 p.2830.]*

**152. Inspector may require name and address of sample supplier**

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. Unopened containers need not be divided for analysis**

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. Service and form of notice**

- (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.
- (2) Any notice, order, demand or requirement required or authorised to be given or served under the 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 registered 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 the Act constitutes an offence.

*[Regulation 154 amended in Gazette 4 September 1981 p.3893; 20 December 1985 p.4886.]*

**155. Disposal of condemned produce**

- (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 unusable 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. Offences and penalties

- (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) Any person who —
  - (a) does any act or thing which by these regulations he is forbidden to do; or
  - (b) fails or omits to do any act or thing which by these regulations he is required to do,

commits an offence and is liable on conviction to a penalty not exceeding \$1 000 and in the case of a continuing offence, to an additional penalty not exceeding \$100 for each day that the offence continues.

- (3) Where an offence is committed against these regulations by any person who is the servant or agent of the holder of a milk vendor licence or a milk distributor licence the milk vendor or milk distributor shall be liable under these regulations in the same manner and to the same extent as if he had personally committed the offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

*[Regulation 156 amended in Gazette 25 May 1979 p.1419;  
4 September 1981 p.3893; 20 December 1985 p.4886.]*

**First Schedule**

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**First Schedule**

**Part I**

s.52 reg. 9

1. A producer of milk in any area or district requires a licence as a dairyman for that area or district which shall be described in the licence.
2. A milk or dairy produce wholesaler requires a licence as a milk wholesaler.
3. A milk vendor requires a licence as a milk vendor for the area or district, described in the licence, in which he vends milk.
4. A milk distributor requires a licence as a milk distributor for the area or district, described in the licence, in which he distributes milk.
5. For the treatment of milk intended for sale to customers a person requires a licence to operate a dairy produce factory.
6. For the manufacture of dairy produce a person requires a licence to operate a dairy produce factory.
7. To carry on the business of packing or storing milk or dairy produce requires one or more of the following licences —
  - (a) a licence to operate a store;
  - (b) a licence to operate a cold store;
  - (c) a licence to operate a depot;
  - (d) a licence to operate a packing place.
8. A dealer in milk or dairy produce requires a licence as a dealer.

PART II

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 .....  
.....  
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? .....

**First Schedule**

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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

\_\_\_\_\_

DAIRY INDUSTRY ACT 1973  
DAIRY INDUSTRY REGULATIONS 1977

FORM M

Invitation to Apply for and Application for  
The Grant of Quota (Market use and Products use)

TO:

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 in the manner and form set out below for the grant of a quota to supply milk for market use/and products use.

MANAGER.

TO: The Dairy Industry Authority of Western Australia.

Name(s) of Licensee(s):

Hereby apply for the grant 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:

- litres of milk per day for market use;
- litres of milk per day for special products use;

to be delivered during the quota year (period) commencing on \_\_\_\_\_ and ending on \_\_\_\_\_ both dates inclusive. This milk is to be supplied from registered dairy premises situated —

Reg. No.

The above quotas will be recorded as being associated with the land described below.

Please amend any of the above details that are inaccurate in your view, then sign and return this application to the Authority within 14 days of receipt.

Date . . . . . Signed . . . . .

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

D.I.A. Business No.                      Licence No.

**First Schedule**

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*[First Schedule inserted in Gazette 20 December 1985 pp.4886-7.]*

Second Schedule

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

**Second Schedule**

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*[Form 2 deleted in Gazette 20 December 1985 p.4888.]*

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: .....

\_\_\_\_\_

**Second Schedule**

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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

\_\_\_\_\_

**Second Schedule**

---

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.

[Forms 9, 10 and 11 deleted in Gazette 2 February 1996 p.394.]

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

**Second Schedule**

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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 . . . . .

**Second Schedule**

**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 .....

\_\_\_\_\_

**Second Schedule**

---

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 .....



**Second Schedule**

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

\_\_\_\_\_

**Second Schedule**

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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

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**Second Schedule**

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Form 16

*DAIRY INDUSTRY ACT 1973*

Department of Agriculture,  
PERTH.

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

**TANKER DRIVER MILK GRADER'S CERTIFICATE**

No.

This Certificate of Competency in Tank Driver Milk Grading is issued to

.....  
.....

under the *Dairy Industry Act 1973*,

.....  
CHIEF, DIVISION OF DAIRYING

\_\_\_\_\_

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

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**Second Schedule**

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Form 18

*DAIRY INDUSTRY ACT 1973*

Department of Agriculture,  
PERTH.

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

**CERTIFICATE FOR A PRODUCT MAKER — BUTTER**

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**

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.

[Second Schedule amended in Gazette 20 December 1985 p.4888; 2 February 1996 p.394.]

**Third Schedule**

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**Third Schedule**

Temperature for Storage or Carriage of Milk and Dairy Produce.  
Regulations 104, 133 and 136.

Type of Milk or Dairy produce	Maximum Temperature During Storage or Carriage
Cream	5 degrees Celsius
Milk	5 degrees Celsius
Skim milk	5 degrees Celsius
Reduce fat milk	5 degrees Celsius
Flavoured milk	5 degrees Celsius
Flavoured skim milk	5 degrees Celsius
Flavoured reduced fat milk	5 degrees Celsius
Butter (except tinned)	5 degrees Celsius
Yoghurt	5 degrees Celsius
Milk custard	5 degrees Celsius
Cottage cheese or cream cheese	5 degrees Celsius
Cheese other than cottage cheese or Cream cheese	10 degrees Celsius

*[Third Schedule inserted in Gazette 20 December 1985 p.4888.]*

*[Fourth Schedule Repealed in Gazette 31 March 1989 p.874.]*



## 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% 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**

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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 water bath maintained at  $37.5 \pm 0.5$ ° 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 .....	66 cents per tonne or part thereof
Cheese (all varieties of natural Cheese) .....	\$2.50 per tonne or part thereof

*[Sixth Schedule inserted in Gazette 15 August 1980 p.2866; amended  
in Gazette 25 September 1981 p.4158; 9 September 1983 p.3343.]*

**Seventh Schedule**

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**Seventh Schedule**

Regulation 18A

**CALCULATION OF PAYMENT BY THE AUTHORITY  
TO THE DEPARTMENT**

**PART I**

The sum of money which may be remitted annually by the Authority to the Department shall be the total of —

- (a) the amounts calculated in accordance with Part II of this Schedule;
- (b) an amount of \$60 000 towards the cost of analytical services performed by the Department on behalf of the Authority; and
- (c) 100%, 80% and 40% respectively, of the total distance travelled in Government vehicles by the occupants of the offices referred to in paragraphs (a), (b) and (c) of item 1 of Part II of this Schedule during the preceding financial year multiplied by 75% of the appropriate rate per kilometre that would be payable pursuant to the Public Service Motor Vehicle Allowances Award 1976, as amended, if such vehicles were privately owned.

**PART II**

1. Salaries

- (a) 100% of the amount paid during the preceding financial year by way of basic annual salary (excluding allowances and annual leave or other loading) to occupants of the offices designated in the Public Service List published under regulation 17 of the *Public Service Regulations 1978* as items  
2005  
2015  
2025;

- (b) 80% of the amount paid during the preceding financial year by way of basic annual salary (excluding allowances and annual leave or other loading) to occupants of the offices designated in the Public Service List published under regulation 17 of the *Public Service Regulations 1978* as items
  - 1980
  - 1983
  - 1985
  - 1990
  - 1993
  - 2007
  - 2010
  - 2017
  - 2020
  - 2023;
- (c) 40% of the amount paid during the preceding financial year by way of basic annual salary (excluding allowances and annual leave or other loading) to the occupant of the office designated in the Public Service List published under regulation 17 of the *Public Service Regulations 1978* as item 2310;
- (d) A further 31.5% of total of the amounts calculated under paragraphs (a), (b) and (c) of this item.

2. Allowances

- (a) 100%, 80% and 40%, respectively, of all miscellaneous allowances paid during the preceding financial year to occupants of the offices referred to in paragraphs (a), (b) and (c) of item 1 of this Part of this Schedule.
- (b) In this item “**miscellaneous allowances**” means —
  - (i) allowances payable pursuant to the Public Service Miscellaneous Allowances Award 1976, as amended, including annual leave loading; and
  - (ii) allowances payable pursuant to the Public Service Motor Vehicle Allowances Award 1976, as amended.

**Seventh Schedule**

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*[Seventh Schedule inserted in Gazette 28 May 1982 pp.1748-9.]*

**Eighth Schedule**

Regulation 131

Types of Dairy Produce that Require an Approved Vehicle for Transport

Flavoured Milk  
Yoghurts of any description  
Reduced-Fat Milk

*[Eighth Schedule inserted in Gazette 20 December 1985 p.4888.]*

**Ninth Schedule**

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**Ninth Schedule**

Regulation 20

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Milk and milk products	Cream with not less than 100 g/kg milk fat	Time
°C	°C	
63	66	30 minutes
72	75	15 seconds
89	89	1 second
90	90	0.5 second
94	94	0.1 second
96	96	0.05 second
100	100	0.01 second

---

In addition to the temperature-time combinations specified above, any other combination may be used within the above temperature ranges and up to 133 ° C so long as the lethal effect on bacteria is equal to or greater than the specified temperature-time combinations.

*[Ninth Schedule inserted in Gazette 31 March 1989 p.874.]*



**Notes**

- <sup>1.</sup> This reprint is a compilation as at 1 July 1997 of the *Dairy Industry Regulations 1977* and includes the amendments effected by the regulations referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Dairy Industry Regulations 1977</i>	31 Aug 1977 pp.3071-137	31 Aug 1977
<i>Amending regulations</i>	28 Oct 1977 p.3835	28 Oct 1977
<i>Amending regulations</i>	22 Dec 1978 p.4836	22 Dec 1978
<i>Amending regulations</i>	2 Feb 1979 p.332	2 Feb 1979
<i>Amending regulations</i>	25 May 1979 p.1419	25 May 1979
<i>Dairy Industry (Amendment) Regulations 1980</i>	15 Aug 1980 p.2866	15 Aug 1980
<i>Amending regulations</i>	29 Aug 1980 p.3096	29 Aug 1980
<i>Dairy Industry Amendment Regulations 1980</i>	24 Oct 1980 p.3666	24 Oct 1980
<i>Dairy Industry (Amendment No. 2) Regulations 1980</i>	21 Nov 1980 p.3982	21 Nov 1980
<i>Dairy Industry Amendment Regulations 1981</i>	4 Sep 1981 pp.3891-8	Regulation 1, 2, 3, 9, 10 (d), 11 and 12: 4 September 1981; balance: 1 Oct 1981 (see regulation 2)
<i>Dairy Industry Amendment Regulations (No. 2) 1981</i>	25 Sep 1981 p.4158	1 Oct 1981 (see regulation 2)
<i>Dairy Industry Amendment Regulations 1982</i>	28 May 1982 pp.1748-9	28 May 1982
<i>Dairy Industry Amendment Regulations (No. 2) 1982</i>	19 Nov 1982 p.4571	19 Nov 1982
<i>Dairy Industry Amendment</i>	9 Sep 1983	9 Sep 1983

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Regulations 1983</i>	p.3343	
<i>Dairy Industry Amendment Regulations 1984</i>	31 Aug 1984 p.2830	31 Aug 1984
<i>Dairy Industry Amendment Regulations (No. 2) 1984</i>	19 Oct 1984 p.3417	19 Oct 1984
<i>Dairy Industry Amendment Regulations (No. 3) 1984</i>	2 Nov 1984 p.3552	2 Nov 1984
<i>Dairy Industry Amendment Regulations 1985</i>	20 Dec 1985 pp.4884-8	20 Dec 1985
<i>Dairy Industry Amendment Regulations (No. 2) 1985</i>	20 Dec 1985 p.4888	1 Jul 1986 (see regulation 2)
<i>Dairy Industry Amendment Regulations 1988</i>	18 Mar 1988 p.873	18 Mar 1988
<i>Dairy Industry Amendment Regulations (No. 2) 1988</i>	16 Sep 1988 p.3740	16 Sep 1988
<i>Dairy Industry Amendment Regulations 1989</i>	31 Mar 1989 pp.873-4	31 Mar 1989
<i>Dairy Industry Amendment Regulations 1996</i>	2 Feb 1996 pp.393-4	2 Feb 1996
<i>Dairy Industry Amendment Regulations 1999</i>	3 Dec 1999 pp.5969-70	3 Dec 1999

<sup>2</sup> Regulation 3 of the *Dairy Industry Amendment Regulations 1999* reads as follows —

“

**3. Validation of fees**

The payment, before this regulation came into operation, of fees in accordance with regulation 4 of the of *Dairy Industry Regulations 1977* (as amended by regulation 2) is as valid as if regulation 2 had come into operation before the payment was made.

”.