

Queensland



Dairy Industry Act 1993

DAIRY INDUSTRY STANDARD 1993

**Reprinted as in force on 12 November 1999
(includes amendments up to SL No. 251 of 1999)**

Reprint No. 1A

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Information about this reprint

This standard is reprinted as at 12 November 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



DAIRY INDUSTRY STANDARD 1993

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Definitions	3
PART 2—STANDARDS FOR DAIRY PRODUCE		
3	Compliance with the Food Standards Code	4
4	Product standards for milk	5
5	Non-contamination of dairy produce for sale	5
6	Carriage and storage of dairy produce intended for sale for human consumption	6
7	Packaging of unpasteurised milk	6
PART 3—STANDARDS FOR A FACTORY OR DEPOT		
8	Standards for a factory or depot	7
9	Structural and operational requirements	7
10	Quality control of dairy produce	7
11	Records to be kept by the owner of a factory or depot	8
PART 4—STANDARDS FOR TESTING AND ANALYSIS OF DAIRY PRODUCE		
12	Sampling, grading and measuring of milk at a dairy	9
13	Testing and analysis of unpasteurised milk intended for sale as unpasteurised milk	10
14	Testing and analysis of milk received at a factory or depot	10
15	Keeping of records by a laboratory	11
PART 5—STANDARDS FOR A DAIRY		
16	Standards for a dairy	12

**PART 6—STANDARDS FOR A VEHICLE USED TO CARRY OR
STORE DAIRY PRODUCE**

17	Standards for a vehicle used to carry or store dairy produce	14
18	Standards for a milk tanker	14
19	Standards for a commercial vehicle used to carry dairy produce	15

ENDNOTES

1	Index to endnotes	17
2	Date to which amendments incorporated	17
3	Key	17
4	Table of earlier reprints	18
5	List of legislation	18
6	List of annotations	18

DAIRY INDUSTRY STANDARD 1993

[as amended by all amendments that commenced on or before 12 November 1999]

PART 1—PRELIMINARY

Short title

1. This standard may be cited as the *Dairy Industry Standard 1993*.

Definitions

2. In these standards—

“approved laboratory” means a laboratory registered by the National Association of Testing Authorities or for which a current laboratory licence has been issued under the Act;

“bulk milk grader” means a person who is qualified to classify milk according to its quality;

“Category C milk run” means a milk run consisting of either or both of—

- (a) a list of streets, or a residential area defined in some other way, in which the vendor who holds a vendor’s licence for the milk run is authorised to sell dairy produce; or
- (b) a list of businesses that are small commercial consumers of dairy produce to which the vendor who holds a vendor’s licence for the milk run is authorised to sell dairy produce;

“Category C type milk run” means a milk run consisting of either or both of—

- (a) a list of streets, or a residential area defined in some other way, in which a nonparticipating vendor is authorised to sell dairy produce; or
- (b) a list of businesses that are small commercial consumers of dairy produce to which a nonparticipating vendor is authorised to sell dairy produce;

“commercial vehicle” means—

- (a) a vehicle used only on a Category C milk run or on a Category C type milk run; and
- (b) a vehicle used for the delivery of dairy produce to a wholesale or retail supplier;

“depot” means premises used for the sampling, testing, processing by chilling only and refrigerated storage of dairy produce for distribution to the wholesale market;

“Export Control Orders” means the *Export Control (Processed Food) Orders* issued under the *Export Control Act 1982* (Cwlth);

“factory” means premises (other than a depot) used for the processing of dairy produce for sale but does not include a dairy where unpasteurised milk is packaged;

“Food Standards Code” means the Food Standards Code under the *Australia New Zealand Food Authority Act 1991* (Cwlth).

“nonparticipating vendor” means a vendor who did not participate in the dairy industry restructuring scheme provided by the Act;

“small commercial consumer” of dairy produce means a business that—

- (a) buys not more than 80 L of pasteurised milk per week; and
- (b) does not sell the milk by retail in the form in which it is purchased.

PART 2—STANDARDS FOR DAIRY PRODUCE

Compliance with the Food Standards Code

3. The standard that dairy produce intended for sale for human consumption must comply with is the Food Standards Code unless another standard is specified in these standards.

Product standards for milk

4.(1) An owner of a dairy must ensure milk supplied from the dairy complies with the standards specified in this section.

(2) When tested as required by section 14, milk supplied from the dairy to a factory or depot must not have—

- (a) a micro-organism colony count of more than 50 000 colonies per millilitre; and
- (b) for unpasteurised bovine milk—a milk fat content of less than 33 g per L.

(3) When tested as required by section 13, unpasteurised milk intended for human consumption and supplied from the dairy other than to a factory or depot must not have—

- (a) a micro-organism colony count of more than 50 000 colonies per millilitre; and
- (b) less than the allowable content prescribed in the Food Standards Code for—
 - (i) milk fat; and
 - (ii) milk solids non-fat or protein.

Non-contamination of dairy produce for sale

5.(1) In this section—

“ancillary products and materials” means products and materials used—

- (a) in the production or processing of dairy produce; or
- (b) in the cleaning and sanitising of any building, plant or equipment used in connection with the production or processing of dairy produce.

(2) An owner of any premises, vehicle, plant or equipment used for the production, processing or storage of dairy produce for sale must ensure the premises, vehicle, plant or equipment is used in a way that ensures the dairy produce is protected against contamination or tainting.

(3) An owner of a vehicle used for the carriage of dairy produce for sale must ensure the vehicle is used in a way that ensures the dairy produce is

protected against contamination or tainting.

Maximum penalty—40 penalty units.

(4) Products and materials (other than ancillary products and materials) must not be used or stored in the production area, processing area, dairy produce storage area or packaging materials storage area, of a dairy, factory or depot.

Carriage and storage of dairy produce intended for sale for human consumption

6.(1) Dairy produce intended for sale for human consumption must be carried and stored at a temperature of not more than 5°C.

(2) Subsection (1) does not apply to dairy produce that—

- (a) is mentioned in subsections (3), (4) and (5); or
- (b) is undergoing a process requiring a different temperature; or
- (c) is ultra heat treated, sterilised or powdered; or
- (d) is being carried in a vehicle used on a Category C milk run or on a Category C type milk run.

(3) Unpasteurised milk stored at a dairy must be stored in a bulk milk tank at a temperature above the freezing point of the milk but at a temperature of not more than 4°C.

(4) Unpasteurised milk received at a factory or depot must—

- (a) immediately on its receipt, be cooled to a temperature above the freezing point of the milk but at a temperature of not more than 4°C; and
- (b) be kept in the temperature range specified in paragraph (a).

(5) Unpasteurised milk carried or stored in a tanker must be kept at a temperature of not more than 6°C while it is in the tanker.

Packaging of unpasteurised milk

7. Unpasteurised milk for sale (other than to a factory or depot) for human consumption must be packaged in a tamper proof container.

PART 3—STANDARDS FOR A FACTORY OR DEPOT

Standards for a factory or depot

8. A factory or depot used for the processing or storage of dairy produce for sale must comply with the standards specified in this Part.

Structural and operational requirements

9.(1) The structure of a factory or depot must comply with Schedule 2, sections 1 to 28, 47 and 48 of the Export Control Orders.

(2) A factory or depot must be operated as required by Schedule 3, sections 1 to 20, 24 to 31, 33 to 56, 60 to 63, 76 and 77 of the Export Control Orders.

(3) The premises and buildings of a factory or depot must be kept clean, in a wholesome condition and in good repair.

(4) Plant or equipment used in a factory or depot for the processing or storage of dairy produce must be—

- (a) cleaned immediately after use; and
- (b) kept in a clean and wholesome condition and in good repair.

(5) The premises, buildings, plant and equipment of a factory or depot may only be used to manufacture—

- (a) food that does not leave a residual odour in the equipment after the equipment has been cleaned; or
- (b) industrial casein; or
- (c) dairy produce stock food.

Quality control of dairy produce

10. Dairy produce intended for sale for human consumption must be processed, packaged or stored at a factory or depot under a quality control system complying with—

- (a) the Australian Standards for Quality Systems issued by Standards Australia; or

- (b) the following provisions of the Export Control Orders—
 - (i) Schedule 7, sections 1 to 11, 13 to 16, 18 to 36, and 39 to 58;
 - (ii) Schedule 8, sections 1 to 11, 13 to 16, and 18 to 39.

Records to be kept by the owner of a factory or depot

11.(1) The owner of a factory or depot must—

- (a) keep a record of dairy produce received at or distributed from the factory or depot; and
- (b) produce a copy of the record on request of an authorised person.

(2) The record must contain details of the following—

- (a) milk received at the factory;
- (b) milk dispatched from the factory to another factory;
- (c) for dairy produce processed or packaged at the factory, or distributed from the factory—
 - (i) the quantity; and
 - (ii) container type and size; and
 - (iii) date code or product batch number.

(3) If recording equipment is attached to a pasteuriser at a factory, the equipment must record details of the following—

- (a) the date of processing of the dairy produce;
- (b) the type of dairy produce being processed from the milk or cream;
- (c) the temperature of the milk or cream when leaving the holding section and the cooling section of the pasteuriser;
- (d) the duration of each process;
- (e) the time of day when each process was performed;
- (f) the time and duration of a diversion of the milk or cream;
- (g) the reason for a diversion;

- (h) the reason for an abnormal function of the equipment;
- (i) any unusual happenings.

(4) If recording equipment is not attached to a pasteuriser at a factory, the record kept by the owner of the factory must contain details of the following—

- (a) the date of processing of the dairy produce;
- (b) the type of dairy produce being processed from the milk or cream;
- (c) the time of day when pasteurising temperature was reached;
- (d) the time of day when pasteurisation of the produce was completed;
- (e) the temperature readings at the times mentioned in each of paragraphs (c) and (d);
- (f) the temperature readings taken at 15 minute intervals from the time pasteurising temperature was reached until completion of the pasteurisation process.

(5) The records required to be kept under this section (other than a record of ultra heat treated or sterilised cream) must be kept at the factory or depot for 1 year.

(6) The record of ultra heat treated or sterilised cream must be kept at the factory for 6 months after the use-by date specified on the package of the cream.

PART 4—STANDARDS FOR TESTING AND ANALYSIS OF DAIRY PRODUCE

Sampling, grading and measuring of milk at a dairy

12.(1) When milk is collected from a dairy for delivery to a factory or depot, a bulk milk grader must—

- (a) take a sample of the milk; and

- (b) sensory grade the milk; and
- (c) measure and record the volume of the milk.

(2) The bulk milk grader must immediately notify the consignor of the milk if the milk is graded below first grade quality.

(3) A sample of milk taken at a dairy must be taken, stored, carried and treated in accordance with—

- (a) Australian Standard 1166, Methods for Sampling Milk and Milk Products, issued by Standards Australia; or
- (b) the Laboratory Manual issued by the Authority.

Testing and analysis of unpasteurised milk intended for sale as unpasteurised milk

13.(1) An owner of a dairy producing unpasteurised milk intended for sale for human consumption as unpasteurised milk must ensure the milk is tested and analysed as required by this section.

(2) At least once in every month, a sample of the milk must be taken and sent to an approved laboratory for testing and analysis to determine if the milk complies with section 4 and the antibiotics, iodine and coliform count standards of H1 and H5, Milk and Liquid Milk Products, of the Food Standards Code.

(3) A sample must be taken in a way that is reasonable in the circumstances, having regard to the total quantity of milk produced at the same milking.

(4) A sample mentioned in this section must be tested by the appropriate method specified in the Laboratory Manual issued by the Authority or in the Food Standards Code.

(5) The owner of the laboratory performing the test must ensure the Authority is provided with a copy of the test result within 5 business days after completion of the test.

Testing and analysis of milk received at a factory or depot

14.(1) The owner of a factory or depot must ensure milk received at the factory or depot is tested and analysed as required by this section.

(2) A sample must be taken of each tanker of milk received at the factory or depot and sent to an approved laboratory for testing and analysis for the presence of antibiotics and iodine.

(3) If a test mentioned in subsection (2) shows the presence in the tanker of more than the allowable level of the substance as prescribed in H1, Milk and Liquid Milk Products, of the Food Standards Code, a sample of each consignment in the tanker, taken under section 12, must be tested and analysed at the laboratory to determine the level of the substance in each consignment.

(4) If payment for the milk is calculated by reference to the content of the substance, a sample of each consignment of milk in the tanker, taken under section 12, must be tested and analysed at an approved laboratory to determine the content of—

- (a) milk fat; or
- (b) protein; or
- (c) milk solids non-fat.

(5) At least once in every 10 days, a sample of each consignment of milk received at the factory or depot on that day must be tested and analysed at an approved laboratory to determine if the milk complies with the micro-organism colony count specified in section 4.

(6) A test required under this section must be performed in the appropriate way specified in the Laboratory Manual issued by the Authority or in the Food Standards Code.

(7) The owner of a factory or depot at which the milk was received must ensure the producer of the milk, or the factory, depot or producer cooperative from which the milk was received, is advised in writing if the milk, tested as required by this section, does not comply with a prescribed standard.

(8) A record of the result of a test must be kept for 1 year at the factory or depot that received the milk.

Keeping of records by a laboratory

15. The owner of a laboratory to which a dairy produce sample is sent for testing under these standards must ensure—

- (a) the dairy produce is tested as required by these standards; and
- (b) a record of the test is kept for 1 year; and
- (c) a copy of the record is produced on request of an authorised person.

PART 5—STANDARDS FOR A DAIRY

Standards for a dairy

16.(1) The standards for a dairy are as specified in this section.

(2) The milking shed and milk room must each have a floor—

- (a) constructed of concrete or other material impervious to moisture; and
- (b) graded with a slope allowing self draining of the floor; and
- (c) that is relatively smooth and easily cleaned.

(3) The milk room must also have the following—

- (a) walls—
 - (i) constructed of—
 - (A) concrete or brick; or
 - (B) if supported by a dwarf wall of concrete or brick at least 200 mm high—material other than concrete or brick; and
 - (ii) that are relatively smooth and easily cleaned;
- (b) a relatively smooth ceiling allowing easy cleaning and sealed flush to the walls;
- (c) a waterproof roof;
- (d) doors or windows capable of preventing the entry of animals, birds and vermin;
- (e) enough lighting;

- (f) if the lighting is positioned over the opening of a bulk milk tank—a cover to protect the lighting and to prevent broken glass from the lighting entering the tank.

(4) Milking plant must—

- (a) have milk contacting surfaces constructed of stainless steel or other food grade material; and
- (b) be capable of being properly cleaned.

(5) The milk collection area must have a concrete slab at least 2 m long and 1.5 m wide situated—

- (a) outside the milk room door where the milk is collected; and
- (b) in front of the outlet valve to an external bulk milk tank.

(6) A bulk milk tank must—

- (a) be constructed as required by Australian Standard 1187, Standard for Refrigerated Bulk Milk Tanks; and
- (b) be capable of—
 - (i) cooling milk to 4°C within 3.5 hours from the start of milking; and
 - (ii) keeping the milk at a temperature above the freezing point of the milk but at a temperature of not more than 4°C.

(7) A bulk milk tank must be located in a milk room if—

- (a) the tank has an open top lid; or
- (b) the inspection opening, inlet, outlet and air vents of the tank are not enclosed in a dustproof compartment.

(8) An external bulk milk tank must—

- (a) be situated on a self draining concreted area; and
- (b) have the inspection opening, inlet, outlet and air vents enclosed in a dustproof compartment.

(9) A sufficient supply of clean water must be provided for—

- (a) the cleaning of equipment and the dairy; and
- (b) the rinsing of a bulk milk tank.

(10) Drains must—

- (a) be constructed of concrete or other impervious material; and
- (b) provide drainage for all waste to a suitable disposal point; and
- (c) extend at least 9 m from the dairy premises.

(11) Stock must be kept at least 9 m from the milk room.

(12) Subsection (11) does not apply to the side of the milk room attached to the milking shed.

(13) The dairy and all equipment must be kept clean and in good repair.

PART 6—STANDARDS FOR A VEHICLE USED TO CARRY OR STORE DAIRY PRODUCE

Standards for a vehicle used to carry or store dairy produce

17. A person must not carry or store dairy produce in a milk tanker or a commercial vehicle unless the tanker or vehicle complies with the standards specified in this Part.

Maximum penalty—40 penalty units.

Standards for a milk tanker

18.(1) The standards for a milk tanker used for the carriage or storage of dairy produce are as specified in this section.

(2) The tanker must be kept in a clean and sanitary condition and in good repair.

(3) The milk contacting surfaces of the tanker must be stainless steel capable of being cleaned, sanitised and inspected.

(4) The tank of the tanker must—

- (a) be insulated with—
 - (i) corkboard of a minimum thickness of 50 mm; or

- (ii) a material having the thermal equivalent of the material specified in subparagraph (i); and
- (b) contain an inspection opening fitted with a cover.
- (5) An externally mounted milk line on a tanker must be insulated.
- (6) If a milk collection hose fitted to the tanker is exposed to the sun when not in use, the hose must be made of opaque material.
- (7) If a tanker is fitted with a pump drive unit having a liquid fuel motor, the motor must be housed in a compartment separated from the milk pump.

Standards for a commercial vehicle used to carry dairy produce

19.(1) The standards for a commercial vehicle used to carry dairy produce for sale are as specified in this section.

(2) The part of the vehicle in which the dairy produce is carried must have a fully enclosed waterproof compartment—

- (a) constructed of durable material; and
- (b) fitted with close fitting doors providing an effective dust seal; and
- (c) capable of being properly cleaned and drained; and
- (d) insulated from external heat on all sides (including the roof, floor and doors) by expanded styrene foam insulation or other insulation material; and
- (e) equipped with a refrigeration unit to keep the dairy produce at a temperature of not more than 5°C unless—
 - (i) the vehicle is used to carry only ultra heat treated, sterilised or powdered dairy produce; or
 - (ii) the vehicle is used only on a Category C milk run or on a Category C type milk run; and
- (f) kept in good repair and clean condition.

(3) The words “**Food Transport Vehicle**” or other words showing the vehicle is used to carry dairy produce must be written, legibly and indelibly, on each external side of the compartment, in letters at least 100 mm high.

(4) The door of the compartment containing dairy produce must be

closed at all times other than for the loading or unloading of dairy produce.

(5) The loading or unloading of the vehicle must be performed in the shortest reasonable time consistent with the type and quantity of dairy produce being loaded or unloaded.

(6) A commercial vehicle must not be used for a purpose, or for carrying anything in the compartment, that may cause the dairy produce carried in the vehicle to become contaminated or harmed.

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	17
3 Key	17
4 Table of earlier reprints	18
5 List of legislation	18
6 List of annotations	18

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 November 1999. Future amendments of the Dairy Industry Standard 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 161 of 1994	16 June 1994

5 List of legislation

Dairy Industry Standard 1993 SL No. 518

made by the Queensland Dairy Authority on 14 December 1993
notfd gaz 17 December 1993 pp 1812–21
commenced on date of notification
exp 1 September 2004 (see SIA s 54)

as amended by—

Dairy Industry Amendment Standard (No. 1) 1994 SL No. 161

notfd gaz 20 May 1994 pp 603–5
commenced on date of notification

Dairy Industry Amendment Standard (No. 1) 1999 SL No. 251

notfd gaz 29 October 1999 pp 814–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 November 1999 (see s 2)

6 List of annotations

Short title

s 1 amd 1994 SL No. 161 s 3

Definitions

s 2 def “Food Standards Code” amd 1999 SL No. 251 s 4

Product standards for milk

s 4 amd 1994 SL No. 161 s 4; 1999 SL No. 251 s 5

Quality control of dairy produce

s 10 amd 1994 SL No. 161 s 5

Testing and analysis of unpasteurised milk intended for sale as unpasteurised milk

s 13 amd 1994 SL No. 161 s 6

Testing and analysis of milk received at a factory or depot

s 14 amd 1994 SL No. 161 s 7

Standards for a dairy

s 16 amd 1994 SL No. 161 s 8

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