



THE MILK STATIONS REGULATIONS 1979

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 6th day of August 1979

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Dairy Industry Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Milk Stations Regulations 1979.

(2) These regulations shall come into force on the 1st day of September 1979.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Dairy Industry Act 1952:

“Approved” means approved in writing by the Director:

“Approved association” means an association of milk producers approved by the New Zealand Milk Board pursuant to section 53 (1) of the Milk Act 1967:

“Certificate of registration” means a certificate of registration as a milk station or a depot issued under regulation 7 of these regulations:

“Clean”,—

(a) In relation to a milk bottle or milk can, means visibly clean and having a bacterial plate count of not more than 1 per millilitre of milk bottle capacity or milk can capacity, as the case may be:

(b) In relation to other plant with which milk comes into contact during collection, processing, or manufacture, means visibly clean and having a bacterial plate count of not more than 10 000 per square metre of surface area:

“Culturing” means the addition to milk of viable organisms of suitable lactic producing bacteria or other approved material:

“Depot” means a place or conveyance for the storage of milk, milk derivatives, and other products to which these regulations apply; and includes any premises remote from a milk station that are used—

(a) For the storage of milk, milk derivatives, or other such products pending sale (not being retail sale); or

(b) For receiving and bulking milk prior to its delivery to a milk station for processing:

- “Equipment” includes all apparatus, containers, machinery, piping, pumps, utensils, vehicles, and other things used in the transport, reception, testing, grading, processing, or storage of milk:
- “Farm dairy” means any milking area, milk receiving room, or milk storage room, or any other building, yard, or appurtenance, used on a farm in connection with milking:
- “Flavouring” means the addition to milk of a wholesome food flavouring substance, where that is permitted by or under the Food and Drug Regulations 1973:
- “Grader” means the holder of a current grading certificate issued pursuant to regulation 26 of these regulations:
- “Inhibitory substance” means a substance that may inhibit the life process of any living micro-organism that is present in milk or that is introduced into milk for the purposes of a manufacturing process; and includes a substance that may be detected in milk by any approved test; and “inhibiting” has a corresponding meaning:
- “Insecticide” means a pesticide or other substance used to destroy, control, or repel any insect form:
- “Milk” means the milk of cows and goats; and includes cream and skim milk:
- “Packaging”, in relation to milk or any other processed product, means the packing of the milk or other processed product in glass milk-bottles or other approved containers:
- “Pasteurisation” means the heat-treatment of milk; and “pasteurised”, “pasteurised cream”, “pasteurised milk”, and “to pasteurise” have corresponding meanings:
- “Potable water” means water that is pure, clean, and wholesome and meets the requirements of the World Health Organisation’s International Standards for drinking water:
- “Processing” includes bottling, clarifying, cooling, culturing, filtering, flavouring, homogenising, packing, pasteurising, reconstituting, refrigerating, separating, standardising, sterilising, treating by the ultra high temperature process, or other preparation of milk in a milk station for sale for human consumption; and “to process” has a corresponding meaning:
- “Reconstitution” means the addition of water to the dried or condensed form of milk in the amount necessary to re-establish the appropriate water to solids ratio required by the Food and Drug Regulations 1973:
- “Registered”, in relation to a depot or milk station, means registered under these regulations; and “registration” and “registered owner” have corresponding meanings:
- “Register of premises” means the register set up and maintained by the Director pursuant to regulation 12 of these regulations:
- “Standardisation”,—
- (a) In relation to milk other than cream, means the removal of water or milk fat from the milk or the addition of milk solids in dry or liquid form to obtain milk of a standard consistency:
- (b) In relation to cream, means the addition of milk or skim milk to produce cream of a predetermined fat content.

(2) In these regulations, unless the context otherwise requires, the terms "Director", "Inspector", "Milk Station", and "owner" have the meanings respectively assigned to those terms by section 2 of the Act.

3. Duty of owner of registered premises—(1) It is the duty of every owner of any registered premises to ensure that the requirements of these regulations are complied with on the premises in all respects and at all times.

(2) Every owner who breaches that duty in any way commits an offence against these regulations, whether or not any other person is liable under these regulations in respect of the act or omission that constitutes the breach.

PART I

PREMISES AND EQUIPMENT

Registration of Premises

4. Premises to be registered—No person shall use any premises as a milk station or depot unless those premises are registered in accordance with these regulations.

5. Application for registration—Every person desiring to obtain registration of any premises as a milk station or depot shall apply in writing to the Director on the form provided by him for the purpose.

6. Requirements for registration—The Director shall not register any premises as a milk station or depot unless he is satisfied that the premises have been erected, and will be maintained, used, and equipped, in compliance with these regulations.

7. Registration of premises—On receipt of an application for registration of any premises, and on being satisfied that all the requirements of these regulations have been or will be complied with, the Director shall—

- (a) Register the premises as a milk station or depot (as the case may require), with a distinctive number; and
- (b) Issue a certificate of registration in form 1 or form 2 (as the case may require) in the Schedule to these regulations.

8. Owner to display certificate of registration—Every certificate of registration shall be prominently displayed on the premises to which it relates at all times.

9. Duration of certificate—Every certificate of registration shall continue in force until it is revoked in accordance with regulation 11 of these regulations.

10. Certificate to be evidence—Every certificate of registration shall be prima facie evidence that the premises to which it relates is registered as a milk station or depot (as the case may require) under these regulations.

11. Power to revoke registration—(1) The Director may revoke the registration of any premises if—

- (a) The registered owner of the premises requests him to do so; or
- (b) He is satisfied that the premises no longer meet all the standards required by regulation 14 of these regulations; or
- (c) He is satisfied that the registered owner of the premises has not, within the preceding period of 6 months, used the premises as a milk station or depot (as the case may require).

(2) The Director may also revoke the registration of any premises if he is satisfied that the registered owner of the premises has failed to comply with an order given in writing by an Inspector pursuant to sections 6 and 7 of the Act within the time specified in the order; but, in such a case, the Director shall again register those premises where he is satisfied, within the period of 3 months commencing with the date of revocation of registration, that the owner of the premises has subsequently complied with the order.

12. Director to keep register—For the purposes of this Part of these regulations, the Director shall keep a register of stations and depots in such form as he considers convenient; and he may incorporate an application for registration in proper form as part of the register.

Construction and Maintenance of Premises

13. Construction or alteration of premises—(1) Any person intending to construct any premises for use as a milk station or depot may submit to the Director for his approval an adequate plan and description of the intended premises, together with a statement of the source from which potable water will be available to the premises.

(2) If, in such a case, the Director approves the plan and description, he may, subject to the other requirements of these regulations, notify the applicant in writing that, on completion of the premises in accordance with the plan and description, he will register the premises.

(3) Every owner of registered premises who intends to alter the premises shall submit to the Director for his approval an adequate plan and description of the alterations, and, if potable water is to be available to the premises from a new source, a statement of that new source.

(4) The registered owner shall not commence any such alterations until the Director notifies him in writing that he approves of the proposed alterations.

(5) The registered owner shall not, either before, during, or after the construction or alteration of the premises, without prior permission in writing from the Director, in any material way depart from the plan and description approved by the Director.

(6) Where, in any case to which this regulation applies, no work is carried out within 18 months after the date of the Director's approval of the relevant plan and description, that approval shall lapse.

14. Standards relating to premises—All premises used or intended for use as a milk station or depot shall comply in all respects with the following requirements, and with any other requirements set out for the time being in any manual of building instructions issued by the Director pursuant to regulation 50 of these regulations:

- (a) All floors shall be constructed of concrete or other approved material that is impervious to moisture, have a smooth surface to allow easy cleaning, and, in areas where milk is processed or moisture is present, have a minimum fall towards drainage points of 1 in 60 or such other gradient as may be approved:
- (b) All junctions of floors with walls shall be coved or rounded off to a minimum height and width of 75 millimetres, and all junctions of floors with drains or equipment fixtures shall be so rounded off as to enable easy cleaning:
- (c) All subfloors and mezzanine floors shall be of such dimensions as will permit—
 - (i) Full working access to all parts of the equipment mounted on the floor; and
 - (ii) Drainage by gravity, or by an approved mechanical means, to dispose of waste material to a point or points outside the building:
- (d) All gully traps shall be screened to prevent materials such as broken glass and aluminium foil from entering the drainage system:
- (e) All internal walls, and all interior surfaces of external walls shall be made of approved materials to a minimum height of 2.40 metres, measured from the floor to the ceiling, and shall be so finished as to present a smooth, light-coloured surface that is impervious to moisture and that can be easily cleaned without damage to the surface:
- (f) All equipment shall be fixed or placed so as to provide adequate clearance from ceilings or roofs and walls, and access for inspection, cleaning, maintenance, and servicing, to the satisfaction of an Inspector:
- (g) All inner surfaces of roofs and ceilings shall be so finished that all structural trusses, recesses, ledges, and shelves are covered, to the satisfaction of an Inspector:
- (h) In every area where any person works, artificial lighting shall be provided to ensure at all times an illumination of at least 215 lux at 900 millimetres above the floor:
- (i) All doors and fly-screen doors, except cool room doors, opening to the outer air shall be self-closing:
- (j) All doors (other than cool room doors), windows, drains, vents, and other openings to the outer air shall be covered or screened with wire gauze or other suitable material to exclude birds, flies, insects, rodents, and other vermin:
Provided that the Director may approve alternative methods (such as keeping the premises pressurised with filtered air) of excluding all such pests:
- (k) Access to any boiler-room from any area where milk is processed or stored shall be through a lobby fitted with self-closing doors, unless the Director approves some other form of access:
- (l) Separate space shall be provided for the storage of tools, cleaning materials, and other articles, materials, and equipment that are not required for immediate use:

- (m) Every water line conveying non-potable water for use in cleaning the premises, fire fighting, or other purposes shall be clearly identified, and no such line shall be connected to any water line conveying potable water:
- (n) Every pathway leading to or from an external door shall be paved in concrete in an approved manner and to an approved extent:
- (o) Every vehicular access or roadway shall be paved with concrete or sealed in an approved manner and to an approved extent:
- (p) Staff amenities (including meal rooms, changing rooms, lockers, showers, and toilets) shall be provided in accordance with the Factories Act 1946 and the Drainage and Plumbing Regulations 1978:
- (q) The premises shall be provided with wash-hand basins for the use of staff engaged there, on the following basis:
 - (i) Where not more than 10 workers are engaged on the premises, there shall be at least 1 basin:
 - (ii) Where more than 10 workers are engaged on the premises, there shall be at least 1 separate basin for every whole group of 10 workers, together with an additional basin for the remaining workers;—
and every such basin shall be installed as near as may be practicable to the parts of the premises where the workers for whose use it is intended will be engaged:
- (r) All coal bunkers and coal storage areas shall be walled or otherwise confined; and dust, coal dust, ash, smoke, excess vapour, and noxious fumes shall be controlled and excluded so far as practicable from the premises in accordance with the requirements of the Clean Air Act 1969.

15. Maintenance of premises—All registered premises shall be maintained at all times in accordance with the following requirements:

- (a) There shall be available, to the satisfaction of an Inspector, a constant supply of potable water:
- (b) All floors, walls, windows, and ceilings shall be kept clean, and the premises generally shall be maintained in good, clean, and tidy condition, free from accumulation of boxes, tins, rubbish, or other garbage that may harbour vermin or insects, and, where any such pests are found on the premises, all reasonable and practicable measures shall be taken to exterminate them and to prevent reinfestation:
- (c) The drainage system shall be maintained in good working order and condition:
- (d) All structural alterations, repairs, and renovations, and all plumbing and drainage work, that may from time to time be approved or required by the Director shall be carried out expeditiously, and all debris removed:
- (e) All ceilings and wall surfaces that are not made of tiles or similar materials shall be kept painted or otherwise treated to the satisfaction of an Inspector:
- (f) All surfaces of floors, walls, and ceilings that become chipped, cracked, or pervious to moisture, or become roughened, shall immediately be repaired so as to comply with the requirements of these regulations:

- (g) All fly-screens shall be kept in good and efficient repair and condition:
- (h) All plumbing, door-hinges, and fastenings, and all other working or moving parts on the premises, include fittings and fixtures, shall be maintained in sound and efficient working order:
- (i) No substance that may contaminate milk or milk derivatives shall be permitted in the premises, except that any substance used in processing, manufacturing, or cleaning operations may be kept in an area approved for the purpose by an Inspector:
- (j) The surroundings (including pathways and roadways) of the premises shall be kept clean to the satisfaction of an Inspector so as to prevent the entry of dust and other extraneous matter into the premises.

Change of Ownership, etc., of Premises

16. Notice of change of use, etc., by owner—(1) Every owner of any registered premises who—

(a) Ceases to use the premises as a milk station or depot (as the case may be); or

(b) Parts with the ownership or possession of the premises,—shall forthwith give to the Director written notice of the particulars of the case.

(2) Without limiting anything in subclause (1) of this regulation, every person who acquires any interest in the ownership or possession of any registered premises shall forthwith give written notice of the particulars of the case to the Director.

17. Director may amend register—On receipt of any notice given pursuant to subclause (1) or subclause (2) of regulation 16 of these regulations, the Director may make such entries in the register as the case may require and may, if he thinks fit, issue a fresh certificate of registration in respect of the premises to which the notice relates.

Equipment

18. Standards relating to equipment—All equipment used in, or in connection with, any registered premises shall comply at all times with the following requirements:

(a) All piping, fittings, connections, and valves that are likely to come into direct contact with milk or milk derivatives, or with any cleaning solutions, shall be made—

(i) Of approved design, and have smooth contact surfaces:

(ii) Of stainless steel, or other approved material:

(iii) So as to provide for dismantling, cleaning, and inspection, and, where applicable, installed so as to provide easy access:

(iv) So that no valve or fitting will permit the intermixing of unpasteurised milk, pasteurised milk, milk derivatives, or other products:

(v) So that all open-surface coolers, vessels, and vats used for holding milk, milk derivatives, and other products have approved covers:

- (b) All equipment intended to be used for the cleaning of bottles, cans, and other receptacles in which milk or any milk derivative is held shall be—
 - (i) Of such design as to facilitate effective cleaning; and
 - (ii) Fitted with thermometers and pressure gauges to register water and cleaning solution temperatures and pressures, as may be required by an Inspector:
- (c) All equipment that is to be permanently fixed to the premises shall either rest directly on the floor, or be placed on concrete plinths or a metal framework so constructed as to provide easy access for cleaning and maintenance:
- (d) Every vat or other appliance placed on the premises of any supplier by the owner of any registered premises or by an approved association or by any other person for the production or storage of milk shall comply with the preceding requirements of this regulation.

19. Maintenance and use of equipment—(1) All equipment used in any registered premises, and all equipment used for transporting milk to any such premises, shall—

- (a) Be maintained—
 - (i) In a clean and sanitary condition; and
 - (ii) In proper working order; and
 - (iii) Free from corrosion and incrustation:
- (b) Immediately after use, be thoroughly cleaned before it is used again:
- (c) In the case of equipment fitted with covers, be used only while the covers are affixed securely to the equipment.

(2) Appropriate systems for in-place cleaning of equipment on any registered premises shall be designed, installed, and operated on the premises so as to minimise the risk of water or cleaning solutions entering any milk or milk derivative during processing, or of any milk or milk derivative becoming contaminated in any other manner during processing.

PART II

MILK PROCESSING

Supply and Acceptance of Milk

20. Contaminated milk, etc., not to be accepted or supplied—

- (1) No milk shall be accepted at any registered premises for processing, or supplied from any such premises, if it—
 - (a) Contains any inhibitory substance, pesticide, or incidental constituent in excess of the amount permitted by or under the Food and Drug Regulations 1973; or
 - (b) Contains any other foreign matter; or
 - (c) Is condemned by an Inspector, pursuant to section 9 of the Act, as unfit for human consumption.
- (2) Where the owner of any registered premises is in doubt with regard to the appropriate action to be taken in respect of the quality of any milk or milk derivative, he shall seek the assistance of an Inspector.

(3) Where an Inspector or Grader finds, by an approved test, any milk in any registered premises to be tainted or impure, or to have any foreign matter in it, he shall add or cause to be added to the milk a sufficient quantity of methyl violet, or any other approved colouring agent, to colour the whole of the milk effectively.

(4) Notwithstanding anything in subclause (3) of this regulation, if, in any case to which that subclause applies, the Inspector is satisfied that the milk is to be disposed of for stock feeding purposes, he may refrain from colouring it as otherwise required by that subclause.

21. Quantity of milk accepted—(1) Where milk is collected from a farm dairy for delivery to any registered premises, the quantity to be credited to the supplier shall be measured in a vat fitted with a sight glass gauge.

(2) The quantity shall be read to the nearest graduated mark on the scale, or, where it is half-way between 2 marks, to the higher of those marks.

(3) Notwithstanding anything in subclause (1) or subclause (2) of this regulation, the Director may approve some other method of measurement.

22. Temperature of milk accepted—(1) Subject to subclause (2) of this regulation, no milk to which section 17 of the Act applies shall be deemed to be properly cooled for the purposes of this section if, at the time when it is collected for delivery to any registered premises, the temperature of the milk exceeds 5°C.

(2) An Inspector may, in any such case, allow a temperature in excess of 5°C if he is satisfied that—

(a) It is the first collection of the day; and

(b) The milk will be delivered to the premises within a reasonable time so that the quality of the milk will not deteriorate; and

(c) The provisions of regulation 31 of these regulations will be complied with.

23. Quantity and temperature of milk to be recorded—(1) A full record shall be kept on all registered premises, in each year ending with the approved date, of the quantity of milk accepted from each supplier and the temperature of the milk when it was accepted, and every such record shall be retained for a period of at least 1 year after the approved date.

(2) In subclause (1) of this regulation the term “approved date” means the 31st day of August or such other date as the Director may approve.

24. Sampling—(1) In all registered premises a representative sample shall be obtained, by the approved procedures, of each delivery of milk or milk derivative made to the premises.

(2) Every sample shall be of sufficient quantity to enable every specified test to be carried out, and for any necessary retesting.

(3) Any sample may be taken either—

(a) Separately from each vessel conveying part of the delivery; or

- (b) In composite form by taking a sample from each such vessel in proportion to the respective quantities of milk or milk derivative in those vessels.
- (4) Every sample shall be held, pending testing,—
 - (a) In a tightly stoppered glass bottle plainly labelled with the supplier's name or number; and
 - (b) At an approved temperature; and
 - (c) Under secure conditions.
- (5) No person shall, otherwise than for the purposes of testing, open or in any way tamper with any sample taken for the purposes of this regulation.
- (6) Notwithstanding anything in this regulation, the Director may approve some other method of obtaining, conveying, or holding milk samples intended for testing or grading.

25. Special provisions where milk from 2 or more suppliers mixed—

- (1) Where any approved association or other person offers milk to the owner of any registered premises in such circumstances or in such manner that the identification of the milk supplied by individual suppliers cannot be determined, the association or such other person, as the case may be, shall ensure that representative samples are taken of the milk supplied by each supplier, and that the samples are either—
 - (a) Tested by a grader in accordance with regulation 27 of these regulations; or
 - (b) Delivered to the owner of the registered premises, who shall thereupon cause a grader to test the samples in accordance with the said regulation 27.
- (2) In any case to which subclause (1) of this regulation applies, the approved association or other person concerned shall be responsible for ensuring compliance, and shall be liable accordingly for any failure to comply, with such of the requirements of regulations 22 to 24 and 27 to 30 of these regulations as are applicable in any particular case.

26. Certification of graders—(1) No person shall test or grade any milk for the purposes of regulation 27 of these regulations unless he is the holder of a certificate of competency issued by the Director to the effect that the person concerned is competent to grade milk.

- (2) A person desiring to obtain a milk grader's certificate shall—
 - (a) Apply to the Director on the form provided by the Director for the purpose; and
 - (b) Either (at the discretion of the Director)—
 - (i) Present himself for such examination as the Director may specify; or
 - (ii) Produce to the Director such evidence as the Director may reasonably require showing that the applicant has satisfactorily completed a period of training in the grading of milk.
- (3) The Director may issue a milk grader's certificate unconditionally, or subject to such conditions as he thinks fit.

27. Quality control tests—(1) In all registered premises all such tests to assess the quality of any milk or milk derivative on the

premises as the Director may reasonably require shall be carried out at such times and by such methods as the Director may so require.

(2) Before issuing any requirement under subclause (1) of this regulation, the Director shall consult with the Director of the Division of Public Health of the Department of Health.

28. Grade to be assigned where more than one test conducted—Where any milk or milk derivative is subjected to more than one approved test, the grade to be assigned to the milk or milk derivative shall be the lower or lowest grade indicated by either or any of those tests.

29. Notification of results—The results of tests conducted under these regulations shall be notified to such persons in such manner as the Director may from time to time require.

30. Recording of results—(1) A full record shall be kept on all registered premises, in each year ending with the approved date, of all tests carried out during that year, and every such record shall be retained for a period of at least 1 year after the approved date.

(2) In subclause (1) of this regulation the term "approved date" means the 31st day of August or such other date as the Director may approve.

Storage of Milk

31. Conditions for storing—(1) Where any milk arrives at any registered premises at a temperature in excess of 5°C, it shall be immediately cooled to, and thereafter maintained at, a temperature not exceeding 5°C.

(2) Subclause (1) of this regulation shall not apply where the milk is to be pasteurised within 4 hours after its arrival at the premises.

(3) Where any milk in any registered premises is to be stored outside, pending processing, the following requirements shall be complied with:

- (a) The milk shall be stored in an approved silo or vat, located and placed in accordance with paragraph (b) of this subclause and to the satisfaction of an Inspector:
- (b) The silo or vat shall be placed on a concrete pad provided with a gully trap and drainage outfall, and shall be suitably protected from the possibility of contamination by animals, birds, flies, rodents, or other vermin or pests, dust, or dirt, and from the effects of daylight:
- (c) Every such silo or vat shall be fitted with an agitator or agitators to ensure that the whole of the milk is kept effectively mixed during storage.

32. Timing of certain procedures—(1) Milk that is to be pasteurised shall be filtered under pressure or clarified in a centrifuge before the final heating and holding part of the pasteurisation process is commenced.

(2) If milk that is to be pasteurised (otherwise than by the ultra high temperature process) is to be subjected to standardisation, reconstitution, homogenisation, or any other process, that process shall be carried out before the final heating and holding part of the pasteurisation process is commenced.

33. Standards relating to holding method—(1) If the holding method is used to pasteurise milk, the following requirements shall be complied with:

- (a) The vessel shall be so designed that, when it is in use, the difference between the temperature of the milk at the centre of the vessel and the temperature of the milk elsewhere in the vessel does not exceed 0.5°C :
- (b) An indicating thermometer and a recording thermometer, each of which shall be accurate to 0.5°C , shall be installed in the vessel, and used during the pasteurisation process:
- (c) The vessel shall be fitted with an agitator or agitators to ensure that the whole of the milk is kept effectively mixed during the pasteurisation process.

(2) The pasteurising of milk by the holding method shall be in accordance with the requirements of regulation 116 (2) of the Food and Drug Regulations 1973.

(3) No milk shall be pasteurised in a holding vessel unless the milk covers a sufficient part of the agitator or agitators as to ensure adequate pasteurisation.

34. Standards relating to high-temperature short-time method—

(1) If the high-temperature short-time method is used to pasteurise milk, the following requirements shall be complied with:

- (a) The holding tube section of the vessel shall be so designed that, when the pasteuriser is in use, the difference between the hottest milk and the coldest milk in any section of flow does not exceed 0.5°C at any time during the holding part of the pasteurisation process:
- (b) The milk shall be retained in the holding section of the vessel for a minimum period of 15 seconds, and the vessel shall be capable of being fitted with such device or devices as will enable that period to be accurately determined:
- (c) The vessel shall be fitted with a thermostatic control device that automatically diverts the flow of any milk that has not been retained in the holding section at a minimum temperature of 72°C for a minimum period of 15 seconds:
- (d) As many suitable indicating thermometers and recording thermometers as may be reasonably necessary, each of which shall be accurate to 0.5°C , shall be installed in approved places in the vessel, and used during the pasteurisation process.

(2) The pasteurising of milk by the high-temperature short-time method shall be in accordance with the requirements of regulation 116 (3) of the Food and Drug Regulations 1973.

(3) No milk that has been diverted in the pasteuriser shall be sold or supplied for human consumption unless it is subjected to the procedure specified in subclause (2) of this regulation.

35. Monitoring and recording of temperatures during pasteurising process—Where milk is pasteurised by the holding method or the high-temperature short-time method, the following requirements shall be complied with:

- (a) A recording thermometer chart shall be set up and maintained:

- (b) A separate chart shall be used for each day, unless an Inspector otherwise approves:
- (c) The temperature shown by every recording thermometer shall be checked daily against the temperature shown by the corresponding indicating thermometer:
- (d) No thermometer shall be used as a recording thermometer if it shows a reading higher than the temperature shown by the corresponding indicating thermometer:
- (e) Whenever a recording thermometer is read, the person taking the reading shall record on the appropriate chart—
 - (i) The date and time of the reading; and
 - (ii) The reading; and
 - (iii) His name:
- (f) Every chart shall be kept in good condition and retained on the premises for at least 3 months after the last entry.

36. Director may approve other methods of pasteurisation—The Director may from time to time approve any method of the pasteurisation of milk as an alternative to the holding method and the high-temperature short-time method.

Storage and Packing after Processing

37. Storage pending packaging—Where milk that has been processed is to be stored pending packaging, it shall be kept at a temperature not exceeding 5°C.

38. Time by which milk must be packaged—(1) Milk (other than cream) shall be packaged within 24 hours after it is processed.

(2) Cream shall be packaged within 24 hours after it is processed unless, with the approval of the Director, in any premises cream is processed and packaged on alternate days, in which case it may be packaged at any time within 48 hours after it is processed.

39. Equipment used for packaging—(1) All equipment used in any milk station for the packaging of milk shall be so arranged that the process of filling the package is followed immediately by the process of sealing that package.

(2) The packaging and sealing of milk packages shall be carried out by mechanical means unless an Inspector approves some other method, and shall be carried out either by the same machine or by separate machines interconnected by a conveying mechanism that is activated automatically by one of those machines.

40. Packaging material and caps—No package except—

(a) Glass bottles capped with aluminium foil; or

(b) Stainless steel or aluminium milk cans,—

shall be used for the packaging of milk or milk derivatives, unless the Director approves some other material or type of capping.

41. Storage and temperature control after packaging—(1) Milk shall, immediately after packaging, be—

(a) Placed in the milk station cool room, wherein the temperature shall not exceed 5°C: or

- (b) Transported to a milk depot in an approved vehicle, which, if an Inspector so requires, shall be insulated or refrigerated to an extent sufficient in the Inspector's opinion for the protection of the milk; and, immediately on arrival at the depot, the milk shall be placed in the depot cool room, wherein the temperature shall not exceed 5°C.
- (2) Where the temperature of milk received into a milk station cool room or a milk depot cool room exceeds 5°C, the temperature of the milk shall, within 4 hours thereafter, be reduced to a temperature of not more than 5°C.
- (3) The temperature of milk stored in a milk station cool room or a milk depot cool room shall be maintained at no more than 5°C during the whole period of storage.

PART III

HYGIENE REQUIREMENTS

42. Certain notices to be displayed—(1) Notices shall be displayed at all times in all registered premises in accordance with the following provisions:

- (a) In every toilet area, and in or near every changing room or area, a notice requiring employees to wash their hands after using the toilet, and to keep their hands clean at all times:
- (b) In the main entrance area, and any other area to which members of the public may have access, a notice bearing the words "ANIMALS ARE NOT PERMITTED ON THESE PREMISES":
- (c) In every area where any milk or milk derivative is processed or stored, or where any articles or materials used for packaging any milk or milk derivative are stored, a notice bearing the words "SMOKING IS PROHIBITED", or an approved stylized notice to the same effect:
- (d) In an appropriate place or places, a notice drawing the attention of all persons working in the premises to the requirements of regulation 44 of these regulations.
- (2) Every such notice (other than a stylized notice) shall be printed in plain capital letters of a height not less than 25 mm.

43. Facilities for personnel—The following facilities shall be provided and maintained at all times in good order and condition in all registered premises:

- (a) Sufficient first-aid dressings and waterproof protective material to ensure that, where an employee suffers any cut or other wound puncturing the skin, the wound can be adequately covered so as to avoid any possibility of any milk or milk derivative coming into contact with the wound:
- (b) Sufficient soap, detergents, and other cleaning materials, and brooms, brushes, and other cleaning equipment, to enable the whole of the premises and equipment to be kept clean:
- (c) Sufficient wash-hand basins, at which shall be provided—
 - (i) An adequate supply of hot water and cold water, or of tempered water maintained at a temperature of not less than 35°C and not more than 40°C; and

- (ii) An adequate supply of soap or detergent for personal use; and
- (iii) A sufficient supply of clean roller towels in continuous roller towel dispensers giving a clean surface to each user, or a sufficient supply of disposable paper towels, or one or more electrically operated hot-air hand driers:
- (d) Sufficient toilet paper in every toilet area.

44. Staff health—(1) In this regulation,—

“Carrier”, in relation to any communicable disease, means any person having in his blood, or in his nose or throat, or in his excretions, or in his discharges, the specific communicable agent of that disease, even though he may exhibit no other sign or symptom of that disease:

“Communicable disease” or “disease” means a communicable disease within the meaning of the Health Act 1956.

(2) No person who—

- (a) Is, or is suspected to be, suffering from, or a carrier of, any communicable disease; or
- (b) Is suffering from any condition causing a discharge of pus or serum from any part of his body in which any organism capable of transmission to milk is or may be present,—

shall, on any registered premises, engage in any part of the processing process, or otherwise handle any milk or milk derivative, whether that milk or milk derivative is or is not packaged.

(3) If the owner of any registered premises suspects or has reason to suspect that any person is one to whom subclause (2) of this regulation applies, he shall ensure that the person is not employed on the premises in any kind of work mentioned in that subclause until the person produces to him a certificate given by a registered medical practitioner certifying that the suspected person is not suffering from, and is not a carrier of, any disease or condition referred to in that subclause.

(4) In every case to which subclause (3) of this regulation applies, the owner shall retain the medical certificate for a period of at least 1 month, and shall produce it on demand to an Inspector.

(5) Without limiting subclause (2) of this regulation, no person who suffers any cut or other wound puncturing the skin shall, in any registered premises, engage in any kind of work mentioned in that subclause until the cut or wound has been so treated and dressed as to prevent the emission of blood.

(6) No person shall, in any registered premises, engage in any kind of work mentioned in subclause (2) of this regulation while wearing a bandage on any part of either hand or forearm, unless the bandage is completely protected by a waterproof covering and is of such a nature that it cannot be accidentally detached.

45. Duties of personnel—Every person, at all times while he is engaged in collecting, processing, handling, or storing any milk or milk derivative in or for any registered premises, shall—

(a) Wear—

- (i) White or light-coloured outer protective clothing (such as an approved overall or smock) over his clothing; and

- (ii) Head covering of an approved type; and
- (iii) Protective footwear of a kind that is appropriate to the type of work in which he is engaged:
- (b) Keep himself and his clothing clean:
- (c) Refrain from smoking, chewing, or otherwise using tobacco, and from spitting:
- (d) Thoroughly wash his hands before commencing or recommencing work, and after using the toilet or soiling his hands in any way.

PART IV

MISCELLANEOUS PROVISIONS

46. Processing of milk derivatives, fruit juices, etc., in registered premises—Except with the prior approval of the Director, no milk derivative, and no fruit juice or other drink, shall be processed or stored in any registered premises.

47. Storage of skim milk—(1) No container, vat, tank, or other receptacle shall be used in any registered premises for the storage of skim milk unless the receptacle is—

- (a) Maintained in accordance with the requirements of regulation 19 of these regulations; and
- (b) Separated from any container in which raw or pasteurised milk is held.

(2) Where any skim milk is to be stored in any registered premises outside of the main processing area pending further processing, it shall be stored in accordance with regulation 31 of these regulations.

48. Transfer of pasteurised milk, etc.—Unless the transfer is made where it is intended that the milk or milk derivative will be consumed, or subjected to further processing, no person shall, in any registered premises, transfer any packaged pasteurised milk or other milk derivative from the container or containers in which it was packaged with the intention of selling the milk or milk derivative for human consumption.

49. Protection of milk from daylight—No person shall unnecessarily expose any milk or milk derivative to the effect of daylight while the milk or milk derivative is in any registered premises or is being conveyed in any transport vehicle to or from any such premises.

50. Instructions—(1) Subject to the other provisions of these regulations and without restricting the provisions of any other Act, the Director may issue from time to time a manual of instructions or circulars relating to the powers conferred upon him under these regulations and the Act to approve or give directives.

(2) The instructions issued pursuant to subclause (1) of this regulation shall be observed by—

- (a) The owners of registered premises:
- (b) Persons engaged in the processing of milk and milk derivatives:

(c) Persons involved in collecting, grading, classifying, labelling, testing, handling, packing, storing, and transporting processed milk and milk derivatives.

(3) Notwithstanding subclause (1) of this regulation, the Director shall not issue any instruction relating to quality control of milk or milk derivatives without first consulting with the Director of the Division of Public Health of the Department of Health.

51. Inspection of registered premises—(1) Every owner of any registered premises shall permit an Inspector, or any other person authorised by the Director, at all reasonable times, to do all or any of the following things for the purposes of these regulations:

- (a) To enter the premises, and inspect any part of the premises, and any equipment, processing procedure, milk, and milk derivative on the premises:
- (b) To carry out any examination or test, or to require any demonstration of any processing, testing, or grading procedure:
- (c) To peruse all charts and other records kept for the purposes of these regulations, and to make copies of any entries in any such chart or record.

(2) Where any Inspector finds that any registered premises, or any equipment in the premises, or any procedure used in the premises fails in any material particular to comply with the requirements of these regulations, he shall notify the owner of the premises, specifying the nature of the defect and the remedial action required.

(3) The owner shall take all necessary steps to comply with the terms of the notice within a reasonable time.

52. Offences—Every person commits an offence against these regulations who—

- (a) Uses any premises in contravention of regulation 4 of these regulations:
- (b) Constructs or alters any premises in contravention of subclause (4) or subclause (5) of regulation 13 of these regulations:
- (c) Fails to give notice of any change of use, ownership, or possession of any registered premises when required to do so by regulation 16 of these regulations:
- (d) Fails to seek the assistance of an Inspector when required to do so by regulation 20 (2) of these regulations:
- (e) Opens or in any other way tampers with any sample in contravention of regulation 24 (5) of these regulations:
- (f) Fails to take any representative sample when required to do so by regulation 25 (1) of these regulations:
- (g) Not being the holder of a milk grader's certificate, tests or grades any milk in contravention of regulation 26 (1) of these regulations:
- (h) Engages in any kind of work mentioned in subclause (2) of regulation 44 of these regulations in contravention of that subclause, or of subclause (5) or subclause (6) of that regulation, or who allows any person to engage in any such work in contravention of subclause (3) of that regulation, or fails to retain any medical certificate for the period required by subclause (4) of that regulation:

- (i) Contravenes or fails to comply with any of the provisions of regulation 45 of these regulations:
- (j) Transfers any processed milk or milk derivative from any container in contravention of regulation 48 of these regulations:
- (k) Exposes any milk or milk derivative to the effects of daylight in contravention of regulation 49 of these regulations:
- (l) Being a person mentioned in subclause (2) of regulation 50 of these regulations, fails to observe any instruction issued by the Director under that regulation:
- (m) Fails to permit any Inspector, or any person authorised by the Director, to do anything mentioned in subclause (1) of regulation 51 of these regulations, or fails to take any action required by an Inspector in contravention of subclause (3) of that regulation.

53. Penalty—Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$100.

54. Certain other regulations saved—Nothing in these regulations shall limit or affect the Food and Drug Regulations 1973, the Food Hygiene Regulations 1974, or the Drainage and Plumbing Regulations 1978.

SCHEDULE

Reg. 7 (b)

CERTIFICATES OF REGISTRATION

Form 1

CERTIFICATE OF REGISTRATION

In terms of the Milk Stations Regulations 1979 the premises of.....

situated at

are hereby registered as a Milk Station and assigned the registered number

Director,
 Dairy Division,
 Ministry of Agriculture and Fisheries.

Dated at Wellington this day of 19 .

Form 2

CERTIFICATE OF REGISTRATION

In terms of the Milk Station Regulations 1979 the storage depot of

.....

situated at
 is hereby registered as a Milk Storage Depot and assigned the registered
 number

Director,
 Dairy Division,
 Ministry of Agriculture and Fisheries.

Dated at Wellington this day of 19 .

P. G. MILLEN,
 Clerk of the Executive Council.

 EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made pursuant to the Dairy Industry Act 1952. They consolidate and amend the Milk Treatment Regulations 1969 which it is intended to revoke.

Broadly, these regulations are in similar terms to the preceding regulations. They—

- (a) Prescribe the standards to be met by the operators of milk stations and milk depots in respect of their premises and equipment;
- (b) Prescribe procedures to be followed and standards to be met in respect of the processing, storage, and packaging of milk;
- (c) Prescribe standards of hygiene to be observed by staff employed in milk stations and milk depots.

The changes have been necessitated by—

- (a) Changes in technology;
- (b) The desire to harmonise these regulations more closely with the Food and Drug Regulations 1973.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 August 1979.

These regulations are administered in the Ministry of Agriculture and Fisheries.