

Unvalidated References:

Public Health Act 1973

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 226B.

Public Health (Dairy Farms) Regulation 1973

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SCHEDULE 1

Public Health (Dairy Farms) Regulation 1973

MADE under the *Public Health Act 1973*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“**dairy farm**” means premises used or proposed to be used for or in connection with the production of milk for sale for human consumption;

“**licence**” means a licence under Section 4;

“storage room” means a room for the storage of milk and utensils used in connection with milk at a dairy farm.

PART II. – LICENSING OF DAIRY FARMS.

2. REQUIREMENT OF LICENCE.

A person other than a licensee in respect of the dairy farm who carries on business as a dairyman at, or uses or occupies, a dairy farm is guilty of an offence.

Penalty: A fine not exceeding K40.00 and in addition a fine not exceeding K4.00 for every day during which the offence continues.

3. APPLICATION FOR LICENCE.

A person desiring to obtain a licence may make written application in Form 1 to the Departmental Head.

4. GRANT OF LICENCE.

(1) Subject to Section 7, the Departmental Head may grant a licence for the use of any premises as a dairy farm.

(2) A licence shall be in Form 2.

(3) The fee for a licence is K2.00.

(4) A licence remains in force for one year from the date of issue.

5. CANCELLATION OF LICENCE.

The Departmental Head may cancel a licence where—

(a) the holder of the licence has been guilty of, or has permitted the commission of, an offence, in relation to the dairy farm the subject of the licence, against this Regulation or any other regulations made under the Act; or

(b) the conditions prescribed by Section 7 or 12 have not been or are no longer complied with.

6. APPEALS.

(1) A person whose licence has been cancelled, or whose application for a licence has been refused, may appeal to the Minister whose decision is final.

(2) Pending the finalization of an appeal under Subsection (1) the applicant must not, unless the Departmental Head decides otherwise in a special case, carry on business in, or occupy, the dairy farm the subject of the appeal.

Penalty: A fine not exceeding K40.00 and in addition, in the case of a continuing offence, K4.00 for every day during which the offence continues.

PART III. – STANDARDS AND REQUIREMENTS OF DAIRY FARMS.

7. STANDARDS OF CONSTRUCTION, ETC.

A licence shall not be granted in respect of any premises unless the Departmental Head is satisfied that—

- (a) the milking shed has an impervious floor graded to a drain that—
 - (i) is central or on one side; and
 - (ii) will carry all floor washings to a silt pit and then to a safe method of disposal; and
- (b) the roof and walls, structural timbers, bails and other portions of the milking shed are of material that is—
 - (i) impervious; or
 - (ii) capable of being—
 - (A) washed down frequently; and
 - (B) painted, enamelled or lime-washed at regular intervals; and
- (c) an adequate supply of water sufficient for the cleansing of the shed and other cleansing purposes is available at all times; and
- (d) an adequate supply of clean, wholesome water is provided for the washing of hands and of teats and udders; and
- (e) the bail yard and—
 - (i) the race from the rear of the bails for the egress of cows that have been milked; or
 - (ii) where no such race is provided—the holding yard for the egress of cows that have been milked (if that holding yard is contiguous to the rear of the bails),

are surfaced with concrete or asphalt; and

- (f) the surfaces referred to in Paragraph (e) are so graded that all water falling on them is diverted away from the milking shed and, if it is situated within the confines of the milking shed, the storage shed; and
- (g) no feed store opens directly into the milking shed; and
- (h) where a feed store forms part of the same premises as the milking shed—an impervious wall reaching from floor to ceiling is erected between the feed store and the shed; and
- (i) apparatus of a nature satisfactory to the Departmental Head is provided for the washing and scalding, or washing and steaming, of all utensils used in milking, separating, storing or carrying milk; and
- (j) a storage room is provided, constructed—

- (i) with an impervious floor so graded that any water falling on it drains off the floor; and
- (ii) with impervious walls and ceiling capable of being washed down, painted or lime-washed; and
- (iii) with all openings protected by fly-wire gauze; and
- (iv) in such a way that the wall of the storage room nearest to the milking shed is separated from the wall of the milking shed nearest to the storage room by a passageway that—
 - (A) when used as an utensil-washing place—is of a minimum width of 2,400mm; and
 - (B) in any other case—is of a minimum width of 1,800mm; and
- (k) all racks and shelves for utensils are easily removable and are capable of easy and frequent washing; and
- (l) where refrigerators powered otherwise than by electricity are used for storing milk, the power unit is—
 - (i) housed outside the storage room; or
 - (ii) so housed or shielded that no fumes or noxious matter can escape into the storage room during the operation or handling of the power unit; and
- (m) nothing but milk and milk utensils (including separators) are housed in the storage room; and
- (n) no milking shed or storage room is within 30m of a cess-pit, earth closet, manure bin, compost heap or other possible source of flies; and
- (o) the milking shed and the storage room are not part of a dwelling, and no part of the milking shed or storage room is used or to be used as a dwelling; and
- (p) the milking shed and storage room are completely surrounded by a fence or fences that are situated a minimum distance of 10m from the extremities of the floor or floors of the milking shed and storage room; and
- (q) where a milking machine or power-operated separator is used, the motive power, if it is not electric, is housed outside the milking shed and storage room; and
- (r) a suitable provision is made for the storage of manure by means of—
 - (i) a bin constructed of impervious material with a tightly fitting lid; or
 - (ii) a manure heap that—
 - (A) is situated a minimum distance of 50m from the extremities of the milking shed and milk storage room; and

- (B) has an impervious floor provided on all sides with a water-filled spoon drain or other effective trap for fly larvae; and
 - (C) is fenced off by a fence that is animal-proof; and
- (s) the feed storage shed and the storage room are rodent-proof.

8. WASHING, ETC., OF UTENSILS.

A dairyman, or the user or occupier of a dairy farm, who fails to ensure that all utensils used in milking, separating, storing or carrying milk are—

- (a) washed and scalded; or
- (b) washed and steamed; or
- (c) treated in an approved manner,

immediately after use is guilty of an offence.

Penalty: A fine not exceeding K40.00.

9. WASHING OF HANDS, ETC.

A dairyman, or the user or occupier of a dairy farm, who fails to ensure that no animal is milked before—

- (a) the hands of the milker; and
- (b) the teats and udders of the animal,

are thoroughly washed is guilty of an offence.

Penalty: A fine not exceeding K40.00.

10. KEEPING OF ANIMALS CLEAR OF SHEDS, ETC.

(1) Subject to Subsection (2), a dairyman or the user or occupier of a dairy farm, who fails to ensure that no animal is permitted to approach within 10m of the extremities of the floor or floors of the milking shed and storage room except during milking times is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(2) The presence of an animal under the control of a responsible person within 10m of the extremities of the floor or floors of the milking shed and storage room for purposes of or incidental to work being done in or about the milking shed or storage room is not an offence against Subsection (1).

11. REMOVAL OF MANURE, ETC.

(1) A dairyman, or the user or occupier of a dairy farm, shall ensure that after each milking all manure—

- (a) is gathered up from the floor of the milking shed and the area surrounding it; and

(b) is deposited in the manure bin or the manure heap provided in accordance with Section 7(r).

(2) The manure bin shall be emptied or the manure heap cleared away, as the case may be, at least once in each week.

12. STORAGE ROOM ADJOINING MILKING SHED.

Where milking machines are used, the storage room may adjoin the milking shed if—

(a) the storage room fulfils the other constructional requirements of this Regulation; and

(b) the only opening in the impervious wall between the storage room and the milking shed is not larger than is necessary to permit the passage of the milk-delivery pipe.

13. FREEDOM OF COWS FROM DISEASE.

A dairyman, or the user or occupier of a dairy farm, who fails to ensure that all cattle in the dairy herd—

(a) have given a negative result within the past 12 months to a tuberculin test administered by a veterinary officer in the employ of the State; and

(b) are otherwise free from disease,

is guilty of an offence.

Penalty: A fine not exceeding K40.00 for each animal in respect of which the offence is committed, and in addition, a fine not exceeding K4.00 for each such animal during every day for which the offence continues.

PART IV. – MISCELLANEOUS.

14. INSPECTION.

(1) For the purposes of this Regulation, the Departmental Head, an inspector or an officer authorized by the Departmental Head, may at all reasonable times—

- (a) enter and inspect the premises of a dairy farm; and
- (b) inspect any animal on a dairy farm, or submit any such animal to an examination or test.

(2) A person who in any way directly or indirectly hinders or obstructs a person in the exercise of his powers under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K40.00.

SCHEDULE 1

PAPUA NEW GUINEA.

Public Health Act 1973.

Form 1 – Application for Dairy Licence.

Reg., Sec. 3. Form 1.

I, . . . , of . . . , apply for a licence under the *Public Health (Dairy Farms) Regulation* in respect of premises situated at

Number of proposed number of dairy animals:

Have the cattle or any of them been tuberculin-tested?

If so, dates, results and full details:

Have you previously held or applied for a licence?

If so, date and full details:

Dated . . . 20

(Signature of Applicant.)

Approved/Not approved*. Licence No.

Dated . . . 20 Departmental Head.

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Public Health Act 1973.

Form 2 – Dairy Licence.

Reg., Sec. 4(1).

Form 2.

Licence No.

Subject to the *Public Health Act*, . . . , of . . . , is licensed to conduct a dairy farm on the premises (*description of premises*).

Date of expiry of licence: . . .

Dated . . . 20

Departmental Head.

Public Health (Dairy Farms) Regulation 1973