

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 September, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1969.

An Act to make provisions in respect of times for the baking and delivery of bread, the licensing of bread manufacturers, the certification of operative bakers, standard denominations or sizes of bread loaves, and certain other matters relating to the bread industry; to constitute a Bread Industry Advisory Committee; to amend the Factories, Shops and Industries Act, 1962; to repeal the Bread Industry Act, 1946, the Bread Manufacture and Delivery Act, 1950, and certain other enactments; and for purposes connected therewith.

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Bread.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Bread Act, 1969". Short title and commencement.

(2) This Act, except this section and section seven shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, which day is in this Act referred to as the commencement of this Act.

(3) This section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(4) Section seven of this Act shall commence—

(a) upon a day, being later than the day appointed under subsection two of this section, to be appointed by the Governor and notified by proclamation published in the Gazette; or

(b) upon the anniversary of the commencement of this Act,

whichever first occurs.

2. This Act is divided as follows :—

Division of Act.

25 PART I.—PRELIMINARY—ss. 1–4.

PART II.—TIMES FOR BAKING AND DELIVERY OF BREAD—ss. 5–11.

PART III.—BREAD MANUFACTURERS' LICENCES AND OPERATIVE BAKERS' CERTIFICATES—ss. 12–14.

PART

Bread.

PART IV.—BREAD—DELIVERY, TRADE SUPPLIES AND STANDARDS—ss. 15–18.

PART V.—BREAD—WEIGHTS—s. 19.

5 PART VI.—THE BREAD INDUSTRY ADVISORY COMMITTEE—ss. 20–23.

PART VII.—GENERAL—ss. 24–32.

SCHEDULES.

3. (1) The several Acts specified in Part I of Schedule One to this Act are hereby repealed. Repeals, amendments and savings.

10 (2) Each Act specified in column 1 of Part I of Schedule Two to this Act is amended in the manner specified opposite that Act in column 2 of that Part of that Schedule.

15 (3) All notices, requisitions, licences, certificates and regulations given, granted, issued or made under any provisions other than sections four, five and six of the Bread Manufacture and Delivery Act, 1950, and being in force at the commencement of this Act shall be and continue in force hereunder, and shall be deemed to have been given, granted, issued or made, as the case may be, under this Act.

20 (4) All applications made under any provisions of the Bread Manufacture and Delivery Act, 1950, and not dealt with at the commencement of this Act, may be dealt with and determined under this Act.

25 (5) Nothing in this section shall be construed as extending the term for which any licence, certificate, renewal of licence or renewal of certificate was granted or issued under any enactment hereby repealed.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Definitions.

30 “apprentice” means apprentice within the meaning of the Apprentices Act, 1969;

“bakehouse”

Bread.

- 5 “bakehouse” means any building or place in which any bread is manufactured, prepared or baked for trade or sale, and any place or room used in connection with any such building or place for storing bread when manufactured, prepared or baked for trade or sale or any material to be used in the manufacture, preparation or baking of bread for trade or sale;
- 10 “bread” includes bread rolls;
- 15 “bread distributor” means a person who sells bread purchased from a bread manufacturer to bread resellers, wholesale users or consumers, but does not include a bread reseller;
- 20 “bread manufacturer” means a person who carries on the business of manufacturing, preparing or baking bread for trade or sale or who, in carrying on any business, manufactures, prepares or bakes bread for consumption or use in the course of that business;
- 25 “bread reseller” means a person who sells bread by retail at his place of business;
- “certificate” means a certificate or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;
- 30 “inspector” means an inspector appointed under the Factories, Shops and Industries Act, 1962;
- “licence” means a licence or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;
- 35 “operative baker” means a person engaged in the mixing, making, moulding, weighing (except check weighing from a divider) or baking, by hand or machine, of dough for bread, or in the taking of dough pieces for bread to a prover or moulder, or in the handing on or stripping of any ovens in connection with the baking of bread;

“regulations”

Bread.

“regulations” means regulations made under this Act;

“shop” means any building or place in which bread is sold or exposed or offered for sale by retail;

5 “the Commission” means the Industrial Commission of New South Wales;

“trade supplier” means a person carrying on the business of supplying trade supplies to bread manufacturers;

10 “trade supplies” means flour, yeast or any other ingredient or substance used in the manufacture, preparation or baking of bread, or any machine, implement or thing used in connection with the manufacture, preparation or baking of bread, or any service in respect of any such flour, yeast, ingredient, substance, machine, implement or thing;

15 “Under Secretary” means the Under Secretary of the Department of Labour and Industry or the person for the time being acting as Under Secretary of that department;

20 “weights and measures inspector” means an inspector appointed under the Weights and Measures Act, 1915.

(2) Any reference in this Act to the supply of any trade supplies shall be deemed to include a reference to the rendering of any service mentioned in the definition of “trade supplies” in subsection one of this section.

Bread.

PART II.

TIMES FOR BAKING AND DELIVERY OF BREAD.

5. (1) In this Part, except in so far as the context or Definitions. subject-matter otherwise indicates or requires—

- 5 “apprenticeship committee” means the apprenticeship committee established under the Apprentices Act, 1969, for the industry of the making or baking of bread, or for an industry which includes that industry;
- 10 “award” means an award under the Industrial Arbitration Act, 1940;
- 15 “distribution centre” means any building or premises to which bread is conveyed directly or indirectly from a bakehouse (whether the bakehouse is situated in or outside New South Wales) and from which bread is delivered to the premises of customers; and a reference to the distribution centre of a bread manufacturer is a reference to a distribution centre to which bread manufactured, prepared or baked
- 20 by him is so conveyed and which is either occupied by him or under his management or control;
- 25 “employee” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940, but does not include an apprentice; and “employed” has a corresponding meaning;
- 30 “employer” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940;
- “industrial agreement” means industrial agreement made and filed under the Industrial Arbitration Act, 1940, or an apprenticeship agreement made and filed under the Apprentices Act, 1969;
- “make or bake” does not include any operations connected with the preparation of dough for bread or the firing of ovens.

Bread.

(2) The following are areas for the purposes of this Part :—

- (a) the County of Cumberland;
- 5 (b) the County of Northumberland together with that part of the City of Newcastle which is outside the County of Northumberland;
- (c) the City of Greater Wollongong;
- (d) the County of Yancowinna;
- 10 (e) the whole of New South Wales other than the areas referred to in paragraphs (a), (b), (c) and (d) of this subsection.

6. (1) In this section, "industrial tribunal" means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940, for the industry or calling of operative bakers, or for any combination, arrangement or grouping of industries or callings which include that industry or calling. Times for making and baking of bread by employees and apprentices.

(2) An industrial tribunal shall from time to time, on application therefor made under and in accordance with the Industrial Arbitration Act, 1940, and whether or not section seven of this Act has commenced, fix by award starting and ceasing times for the making or baking of bread by male employees who are of or above the age of sixteen years and are operative bakers.

25 (3) An award referred to in subsection two of this section that is made before the commencement of section seven of this Act shall, in so far only as it fixes starting and ceasing times for the making or baking of bread by employees, be expressed to take effect on and from that commencement.

(4)

Bread.

(4) An industrial tribunal in fixing starting and ceasing times for the making or baking of bread by an award referred to in subsection two of this section—

5 (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread ;

(b) may make different provisions in respect of different areas, different days of the week and different weeks of the year ;

10 (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area ; and

(d) may make special provisions applicable to—

15 (i) a specified bakehouse, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet the exigencies of the trade carried on in that bakehouse ;

20 (ii) a specified locality defined in the award, being outside the County of Cumberland, the City of Newcastle and the City of Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial
25 influx of tourists or other visitors into the locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

30 (5) Any special provisions made by an award pursuant to subparagraph (ii) of paragraph (d) of subsection four of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

(6)

Bread.

(6) An apprenticeship committee shall from time to time, on application therefor made under and in accordance with the Apprentices Act, 1969, fix by award starting and ceasing times for the making or baking of bread by apprentices in a specified bakehouse, locality or area which are uniform with the times fixed by industrial tribunals for the making or baking of bread by employees in that bakehouse, locality or area.

(7) Where an award or industrial agreement prescribes the payment of additional wages (other than overtime prescribed by the award or agreement as being payable for the performance of work in excess of a specified number of hours within a specified period) to employees or apprentices for the performance of work before or after a time or times specified by that award or agreement, those additional wages shall if the award or agreement so prescribes be regarded for the purposes of the Annual Holidays Act, 1944, or the Long Service Leave Act, 1955, as part of the ordinary pay of those employees or apprentices.

7. (1) The several Acts specified in Part II of Schedule One to this Act are hereby repealed.

Making or baking of bread at certain times prohibited.

(2) The Factories, Shops and Industries Act, 1962, is amended in the manner specified opposite that Act in column 2 of Part II of Schedule Two to this Act.

(3) In this section—

“area” means an area as defined in subsection two of section five of this Act and in which an award, referred to in subsection two of section six of this Act, fixing starting and ceasing times for the making or baking of bread by employees is for the time being in force;

“prescribed

Bread.

“prescribed baking hours” means—

- 5 (a) in relation to a bakehouse in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection four of section six of this Act, is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that bakehouse and ending with the ceasing time so fixed;
- 10 (b) in relation to a bakehouse situated in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph (not being a bakehouse referred to in paragraph (a) of this definition), is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that locality and ending with the ceasing time so fixed; and
- 15 (c) in relation to a bakehouse, situated in an area (not being a bakehouse referred to in paragraph (a) or (b) of this definition)—the period commencing with the starting time fixed by an award made in accordance with subsection two of section six of this Act that is in force in that area and ending with the ceasing time so fixed.
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- 25

30 (4) A bread manufacturer (whether an employer or not) or other person employed or engaged for hire or reward to do so who makes or bakes, for trade or sale, bread in a bakehouse otherwise than during the prescribed baking hours relating to that bakehouse is guilty of an offence against this Act.

35 8. (1) In this section, “industrial tribunal” means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940.

(2) Times for delivery of bread by employees.

Bread.

(2) An industrial tribunal in fixing, by award, starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers—

- 5 (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread;
- (b) may make different provisions in respect of different areas, different days of the week and different weeks
10 of the year;
- (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area; and
- (d) may make special provisions applicable to—
- 15 (i) the delivery of bread manufactured, prepared or baked in a specified bakehouse, situated in or outside New South Wales, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet
20 the exigencies of the trade carried on in that bakehouse;
- (ii) a specified locality defined in the award being outside the County of Cumberland, the City of Newcastle and the City of
25 Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial influx of tourists or other visitors into the
30 locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

(3) Any special provisions made by an award
35 pursuant to subparagraph (ii) of paragraph (d) of subsection two of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

Bread.

9. (1) In this section—

“area” means an area as defined in subsection two of section five of this Act and in which an award, made before or after the commencement of this Act, fixing starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers, is for the time being in force;

Delivery of bread at certain times prohibited.

“prescribed district” means—

- (a) each area referred to in paragraph (a) or (b) of subsection two of section five of this Act; and
- (b) any other district declared by the Governor, by order published in the Gazette, to be a prescribed district for the purposes of this section, and defined by the terms of the order.

(2) For the purposes of this section, a person delivers bread if for any purpose of, or in the course of, trade or sale—

- (a) he delivers either by himself or by his employee or agent, bread by vehicle or other receptacle to a purchaser, other than his employer, whether the bread was manufactured, prepared or baked in or outside New South Wales;
- (b) being a person employed or engaged in the delivery, by vehicle or other receptacle, of bread which he obtains from a bakehouse or distribution centre, he leaves that bakehouse or centre with bread to be so delivered to purchasers, other than his employer;
- (c) being a bread manufacturer, he causes or permits a person employed or engaged in the delivery to purchasers, by vehicle or other receptacle, of bread obtained from a bakehouse or distribution centre of that manufacturer, to leave that bakehouse or centre with bread to be so delivered to purchasers, other than that person’s employer; or

(d)

Bread.

(d) being a bread manufacturer having a bakehouse situated within a prescribed district, he removes or causes or permits bread to be removed from that bakehouse by any person or by any means whatsoever.

(3) The Minister may by order direct that, during a period specified in the order, the provisions of paragraph (d) of subsection two of this section shall not apply to such part of any prescribed district as is specified in the order and any such order shall, while it is in force, have effect accordingly.

(4) A bread manufacturer or bread distributor (whether or not that manufacturer or distributor is an employer) or other person employed or engaged for hire or reward in the manufacture or distribution of bread who—

(a) delivers bread in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of that bread and ending with the ceasing time so fixed;

(b) delivers bread (not being bread referred to in paragraph (a) of this subsection) in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of bread in that locality and ending with the ceasing time so fixed; or

(c) delivers bread (not being bread referred to in paragraph (a) of this subsection) in an area, but outside a locality referred to in paragraph (b) of this subsection, otherwise than during the period commencing with the starting time fixed by an award for the delivery by employees who are bread

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Bread.

carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers and in force in that area and ending with the ceasing time so fixed,

5 is guilty of an offence against this Act.

(5) An information laid in respect of an offence alleged to have been committed under this section shall be deemed to contain a sufficient description of the offence if it alleges that, on a day and at a place specified in the information, the person charged with the offence, being a person required to comply with this section, did deliver bread otherwise than during prescribed bread delivery hours but a person so charged is entitled to be supplied, at his request, by the informant with particulars of the offence alleged to have been committed.

10. (1) In this section, "industrial tribunal" means the Commission, or a conciliation committee established under the Industrial Arbitration Act, 1940, or an apprenticeship committee. ^{Saving of powers, etc.}

20 (2) Nothing in this Part shall—

(a) derogate from or affect any power or duty of an industrial tribunal to prescribe, by award, payments by way of overtime or penalty rates for any work done by employees or apprentices at times when they may lawfully be employed in such work, or be taken as an expression or indication of intention that any such payments should or should not be so prescribed;

(b) except to the extent of the provisions expressly made by sections six and eight of this Act, derogate from or affect any other power or duty which an industrial tribunal would have had if this Part had not been enacted; or

(c)

Bread.

- 5 (c) affect the liability of any person to a penalty under the Industrial Arbitration Act, 1940, or the Apprentices Act, 1969, for a contravention of, or failure to observe an award, but no person shall in respect of the same Act or omission be convicted of an offence under either of those Acts and under this Act.

11. (1) The Minister may in order to meet the exigencies of the trade carried on in a particular bakehouse by a bread manufacturer who is not an employer or to enable any such bread manufacturer to cater for the needs of tourists or other visitors in the locality in which his bakehouse is situated, and the Minister or the Under Secretary may in the case of any emergency or unforeseen circumstances, by order in writing
15 exempt any persons from the operation of all or any of the provisions of sections seven and nine of this Act for such period and subject to such conditions as the Minister or Under Secretary, as the case may be, may determine.

Exemptions and special provisions.
(cf. Act No. 40, 1946, s. 7.)

- 20 (2) A person who contravenes or fails to observe the conditions of an exemption granted to him under this section is guilty of an offence against this Act.

- 25 (3) A person shall not be liable to be convicted of a breach of an award, including an award under the Apprentices Act, 1969, or of an industrial agreement by reason only of anything done or omitted pursuant to an exemption granted to him under this section.

- 30 (4) The Industrial Arbitration Act, 1940, shall, in relation to an application for an award making the special provisions referred to in subparagraph (i) of paragraph (d) of subsection four of section six or subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, apply as though the words "not less than twenty" were omitted from paragraph (a) of subsection two of section seventy-four thereof.

PART

Bread.

PART III.

BREAD MANUFACTURERS' LICENCES AND OPERATIVE
BAKERS' CERTIFICATES.

12. (1) Any person who applies therefor is entitled to be issued with a licence to carry on in any premises the business of manufacturing, preparing or baking bread for trade or sale if the Under Secretary is satisfied that—

Bread
manufac-
turers'
licences.
(cf. Act
No. 17,
1950,
s. 9A.)

- (a) the applicant is a fit and proper person to hold a licence; and
- 10 (b) the premises and the equipment and facilities provided or to be provided in the premises are suitable for use in the manufacture, preparation or baking of bread.

(2) A person who carries on in any premises the business of bread manufacturer without being the holder of a licence in relation to those premises is guilty of an offence against this Act.

(3) An application for a licence shall be made to the Under Secretary, shall be in or to the effect of the prescribed form, shall specify the premises which the applicant proposes to use or, as the case may be, uses as a bakehouse or bakehouses and shall be accompanied by the prescribed fee.

(4) A licence shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.

(5) The Under Secretary may—

- 30 (a) grant any application for a licence either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and

(b)

Bread.

5 (b) during the currency of a licence, impose terms and conditions, vary the existing terms and conditions of the licence or impose terms and conditions additional to the existing terms and conditions of the licence.

(6) Any such term or condition may be made applicable to or in respect of all premises or to any one or more of the premises to which the application or, as the case may be, the licence relates.

10 (7) A person, being the holder of a licence, who contravenes or fails to comply with any term or condition of the licence is guilty of an offence against this Act.

(8) The Commission, on the application of the Under Secretary, may—

- 15 (a) cancel any licence or direct that the renewal of any licence be refused; or
(b) suspend any licence for such period as the Commission may determine,

20 in relation to all premises or any one or more of the premises to which the licence relates, if the Commission is satisfied that the person to whom the licence was issued—

- (c) has contravened or failed to comply with any term or condition of the licence;
(d) is not a fit and proper person to hold a licence; or
25 (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years of prescribed offences (whether of the same or different kinds).

30 (9) In subsection eight of this section “prescribed offences” means—

- (a) offences under any Act relating to public health;
(b) offences arising under section thirteen, fifteen or seventeen of this Act; and

Bread.

(c) offences arising under section four, five, eight or 9B of the Bread Manufacture and Delivery Act, 1950.

(10) Where a licence has been suspended under subsection eight of this section, the person to whom the licence was issued shall, during the period of suspension, be deemed not to be the holder of a licence in relation to the premises in relation to which the licence was suspended.

(11) The decision of the Commission on any application made under subsection eight of this section shall be final and shall be carried into effect by the Under Secretary.

(12) Nothing in this section affects the operation of the Factories, Shops and Industries Act, 1962.

13. (1) Any person who applies therefor is entitled to be issued with a certificate authorising him to act as an operative baker if the Under Secretary is satisfied that the applicant—

Operative bakers' certificates. (cf. Act No. 17, 1950, s. 9B.)

- (a) is a fit and proper person to hold a certificate; and
- (b) has completed the prescribed course of training and passed the prescribed examinations or possesses the prescribed qualifications which entitle him to the issue of a certificate or is otherwise qualified for the issue of a certificate.

(2) A person who acts as an operative baker in any bakehouse without being the holder of a certificate is guilty of an offence against this Act.

(3) An application for a certificate shall be made to the Under Secretary, shall be in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(4) A certificate shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.

(5)

Bread.

(5) The Under Secretary may—

- (a) grant any application for a certificate either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and
- 5 (b) during the currency of a certificate, impose terms and conditions, vary the existing terms and conditions of the certificate or impose terms and conditions additional to the existing terms and conditions of the certificate.

10 (6) A person, being the holder of a certificate, shall not contravene or fail to comply with any term or condition of the certificate.

Penalty : One hundred dollars.

15 (7) The Commission, on the application of the Under Secretary, may—

- (a) cancel any certificate or direct that the renewal of any certificate be refused; or
- (b) suspend any certificate for such period as the Commission may determine,
- 20 if the Commission is satisfied that the person to whom the certificate was issued—
 - (c) has contravened or failed to comply with any term or condition of the certificate;
 - (d) is not a fit and proper person to hold a certificate;
 - 25 or
 - (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years for offences (whether of the same or different kinds) against any Act relating to public health.
- 30

(8) Where a certificate has been suspended under subsection seven of this section, the person to whom the certificate was issued shall, during the period of suspension, be deemed not to be the holder of a certificate.

(9)

Bread.

(9) The decision of the Commission on any application made under subsection seven of this section shall be final and shall be carried into effect by the Under Secretary.

(10) Subject to the provisions of subsection eleven of this section, a bread manufacturer who knowingly permits or suffers any person who is not the holder of a certificate to act as an operative baker in any bakehouse in respect of which the bread manufacturer holds a licence is guilty of an offence against this Act.

(11) This section does not apply to or in respect of an apprentice or probationer for apprenticeship acting as an operative baker under the direct personal control and supervision of the holder of a certificate.

14. (1) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Under Secretary—

Appeal to
Industrial
Commission.
(cf. Act No.
17, 1950,
s. 9c.)

- (a) refusing his application for a licence either generally or in relation to any premises or refusing his application for a certificate;
 - (b) granting his application for a licence, or his application for a certificate, subject to any term or condition; or
 - (c) varying any term or condition of the licence or certificate held by him, or imposing any term or condition or any additional term or condition thereof,
- may require the Under Secretary to state in writing the grounds for the decision with which the applicant or holder, as the case may be, is dissatisfied, and the Under Secretary shall forthwith furnish to the applicant or holder, as the case may be, a statement of those grounds.

(2) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Under Secretary referred to in subsection one of this section may, in the manner prescribed, appeal to the Commission against that decision.

(3)

Bread.

(3) The appeal shall be by way of rehearing and the decision of the Commission on the appeal shall be final, shall be deemed to be the decision of the Under Secretary and shall be carried into effect accordingly.

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PART IV.

BREAD—DELIVERY, TRADE SUPPLIES AND STANDARDS.

15 15. (1) The Minister may by notice in writing given to a bread manufacturer require him to sell and deliver or cause to be delivered bread in accordance with the provisions of this section within such area as he may specify in the notice.

The Minister may require delivery of bread.
(cf. Act No. 17, 1950, ss. 4, 5.)

(2) Notwithstanding the terms of any contract, agreement or arrangement with any other bread manufacturer or person (whether made before or after the commencement of this Act), a bread manufacturer to whom any such notice has been given shall, if so required verbally or in writing by any person—

(a) sell to that person; and

(b) deliver or cause to be delivered at any place within the area specified in such notice,

20 bread in such reasonable quantities and at such reasonable intervals as may from time to time be stipulated in any usual and sufficient manner and on such terms and conditions as are usual in respect of bread so sold and delivered.

25 (3) A person who contravenes or fails to comply with the provisions of subsection two of this section is guilty of an offence against this Act.

(4) Nothing in this section operates to require a bread manufacturer to sell and deliver or cause to be delivered—

30 (a) bread to any person who upon tender of delivery fails to pay the lawful retail price for the bread upon demand;

(b)

Bread.

(b) bread at such a time that the delivery would constitute, or involve the commission of, an offence under Part II of this Act; or

5 (c) bread required by him for consumption in the course of his business.

(5) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

10 (6) In this section, "place" includes any house, shop, structure, building or any land or premises whatsoever, and any part of any such place which is separately occupied.

15 16. (1) The Minister may by notice in writing given to a Trade
trade supplier require him to supply to any bread manufac- suppliers
turer or any person proposing to commence business as a to supply
bread manufacturer named in the notice such trade supplies bread
20 (being trade supplies in which the trade supplier ordinarily manufac-
deals in the course of his business) as may be specified in the turers
notice and in such quantities, at such times and intervals and with
subject to such terms and conditions as may be specified in necessary
the notice. trade supplies.
(cf. Act No. 17, 1950, s. 7.)

25 (2) The Minister may revoke any such notice or suspend any such notice for such period or periods as he may think fit or may from time to time vary any terms and conditions of such notice in such manner as he may determine.

30 (3) Notwithstanding the terms of any contract, agreement or arrangement with any other trade supplier, bread manufacturer or other person (whether made before or after the commencement of this Act), a trade supplier to whom any such notice has been given shall, if so required by the bread manufacturer or other person named in the notice supply to that bread manufacturer or other person trade supplies in accordance with the notice.

(4)

Bread.

(4) A person who contravenes or fails to comply with the provisions of subsection three of this section is guilty of an offence against this Act.

Penalty : Two thousand dollars or imprisonment for twelve 5 months.

(5) Nothing in this section operates to require a trade supplier to supply trade supplies to any bread manufacturer or other person who, after being required so to do by the trade supplier, refuses to pay cash on delivery for any 10 trade supplies supplied or required to be supplied to him.

(6) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

15 17. (1) Where the ingredients from which bread shall be made, the manner in which bread shall be made or processed or a standard or standards relating to the quality of bread have or has been prescribed, a person— Standard loaf. (cf. Act No. 17, 1950, s. 8.)

20 (a) being a bread manufacturer, shall not manufacture, prepare or bake for trade or sale bread not made from the prescribed ingredients, or not processed in the prescribed manner, or which does not conform to the prescribed standard or standards as to quality; or

25 (b) shall not sell or expose for sale bread knowing that it has not been so made, or that it has not been so processed, or that it does not conform to that prescribed standard or those prescribed standards.

30 (2) A person who contravenes or fails to comply with the provisions of subsection one of this section is guilty of an offence against this Act.

(3)

Bread.

(3) The Minister shall not recommend the making of any regulation prescribing any matter for the purposes of subsection one of this section unless—

- 5 (a) he has appointed a committee consisting of representatives of the Department of Agriculture, the Department of Public Health, the Department of Labour and Industry and such other persons as the Minister may determine;
- 10 (b) that committee has considered the proposed regulation; and
- (c) the Minister has had regard to any recommendation of that committee with respect to the proposed regulation.

15 **18.** (1) A flour miller shall not sell or deliver flour to a trade supplier, bread manufacturer or person proposing to commence business as a bread manufacturer unless there is conspicuously appended in the manner prescribed to every bag or other container in which the flour is sold or delivered such specification setting out such description as may be prescribed relating to the protein and maltose content of the flour and such other description of the ingredients contained in the flour and such other particulars relating to the use of the flour in the manufacture of bread as may be prescribed.

25 (2) A person who contravenes or fails to comply with the provisions of this section is guilty of an offence against this Act.

PART V.**BREAD—WEIGHTS.**

30 **19.** (1) In this section, "bread" does not include bread rolls not exceeding six ounces in weight.

Bread to be made in loaves of certain weight.
(cf. Act No. 17, 1950, s. 17.)
(2)

Bread.

(2) All bread made or baked for trade or sale within the State shall be made into loaves weighing not less than one pound, two pounds and four pounds respectively.

(3) Notwithstanding anything contained in subsection two of this section the Governor may make regulations authorising, subject to such conditions, if any, as may be prescribed, bread made or baked for trade or sale within the State to be made into loaves of such denominations or sizes, in addition to those specified in subsection two of this section, as may be specified in the regulations.

(4) Without limiting the generality of subsection three of this section, the conditions that may be prescribed under that subsection may include conditions—

(a) as to type or variety of the bread; or

(b) requiring the affixing, by label or otherwise, to the loaves of bread, or the impressing or embossing on the loaves of bread during baking by means of the surface of the tin or other utensil in which the loaves are baked, of such particulars as to type, variety, denomination or size as may be prescribed and regulating the manner of that affixing, impressing or embossing.

(5) Regulations under subsection three of this section may prescribe denominations or sizes by reference to the total weight of the loaves, the weight of dry solids contained therein, or any other criteria prescribed by the regulations.

(6) A person who makes or bakes for trade or sale—

(a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three, of this section;

(b) bread in a loaf of any denomination or size prescribed under subsection three of this section without complying with the conditions, if any,

prescribed

Bread.

prescribed under that subsection in relation to the making or baking of bread of that denomination or size; or

- 5 (c) any loaf which is found deficient of its due weight when weighed by an inspector,

is guilty of an offence against this Act and liable for a first offence to a penalty not exceeding two hundred dollars, for a second offence to a penalty not exceeding four hundred dollars and for a third or subsequent offence to a penalty not
10 exceeding one thousand dollars.

(7) A person shall not sell or offer for sale—

- (a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three of this section;

- 15 (b) bread in a loaf of any denomination or size prescribed under subsection three of this section where the conditions, if any, prescribed under that subsection in relation to the making or baking of bread of that denomination or size have not been complied with; or
20

- (c) any loaf which is found deficient of its due weight when weighed by an inspector.

Penalty : Twenty dollars.

- (8) Except where the due weight of the loaf is a
25 weight that has been prescribed under subsection three of this section by reference to the weight of dry solids contained in the loaf, it shall be a sufficient defence to any prosecution under this section for making or baking for trade or sale or selling or offering for sale any loaf which is found deficient
30 of its due weight when weighed by an inspector if the defendant proves that the loaf was not made or baked within the period of twenty-four hours of its being so weighed.

PART

Bread.

PART VI.

THE BREAD INDUSTRY ADVISORY COMMITTEE.

20. In this Part of this Act—

Definitions.

5 “Committee” means the Bread Industry Advisory Committee constituted under this Part of this Act;

“member” means member of the Committee.

21. (1) There shall be constituted a Bread Industry Advisory Committee which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Part of this Act.

Constitution of Bread Industry Advisory Committee.
(cf. Act No. 17, 1950, s. 9b.)

(2) The Committee shall, subject to subsection five of this section, consist of seven members to be appointed by the Governor.

15 (3) Of the members of the Committee—

(a) one shall be the Under Secretary, who shall be chairman of the Committee;

20 (b) two shall be persons nominated by the Minister to be representative of employees engaged in the industry of the manufacturing and delivery of bread;

(c) two shall be persons nominated by the Minister to be representative of employers engaged in that industry; and

25 (d) two shall be persons nominated by the Minister to be representative of consumers of bread.

(4) If the Under Secretary is unable to attend any meeting of the Committee he may appoint an officer of his Department to attend and act for him at that meeting and for all purposes that officer when so acting shall be deemed to be the chairman of the Committee.

(5)

Bread.

(5) Upon being requested so to do by the chairman of the Committee, the Minister may appoint persons to attend meetings of the Committee for the purpose of considering any matter and a person so appointed shall while so attending
5 any meeting of the Committee be deemed for the purposes of this section and section twenty-two of this Act to be a member.

22. (1) Subject to this section the members, other than the chairman, shall hold office for a term of three years and shall be eligible for re-appointment from time to time upon
10 the expiration of their term of office.

(2) A member, other than the chairman, shall be entitled to receive such remuneration or fees for his services and a member shall be entitled to receive such travelling expenses as may be fixed from time to time by the Governor.

15 (3) A member, other than the chairman, shall be deemed to have vacated his office if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their
20 benefit;
- (c) is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) resigns his office by writing under his hand
25 addressed to the Governor; or
- (e) is removed from office by the Governor.

(4) On the occurrence of a vacancy in the office of a member, the Governor may appoint to the vacant office a person to be representative of the same interests as his
30 predecessor and he shall, subject to this section, hold office for the remainder of his predecessor's term of office.

(5)

Bread.

(5) In the case of the illness or absence of a member other than the chairman, the Governor may appoint a deputy to act in the place of that member during his illness or absence.

(6) A deputy appointed under subsection five of this section while acting as a deputy may exercise and discharge all the powers, authorities, duties and functions of the member in whose place he acts.

(7) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Committee by or under this Part, the Committee may, with the approval of the Minister concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

15 (8) A majority (one of whom shall be the chairman) of the members (including, where the Committee is considering any matter in respect of which additional members have been appointed under subsection five of section twenty-one of this Act, those additional members) of the Committee
20 shall constitute a quorum for the purposes of any meeting of the Committee, and any duly convened meeting at which a quorum is present shall be capable of exercising and performing any of the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Act.

25 (9) At any meeting of the Committee at which a quorum is present the decision of the majority of the members present and voting at such meeting shall be the decision of the Committee.

(10) If at any meeting of the Committee the voting
30 on any matter is equal, the chairman shall have a second or casting vote.

(11) The Committee shall cause minutes of its proceedings and decisions at formal meetings to be kept.

(12)

Bread.

(12) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to this section and to any regulations in relation thereto, be as determined by the Committee.

5 (13) In subsections one, three, four and five of this section, "member" includes a person appointed under subsection five of section twenty-one of this Act.

23. (1) The Committee shall have power—

- 10 (a) to investigate and make recommendations to the Minister in respect of special measures necessary to improve methods of bread making and distribution and sanitary conditions in bakehouses; Functions of Committee. (cf. Act No. 17, 1950, s. 9E.)
- 15 (b) to recommend to the Minister standards of efficiency necessary for persons engaged in the manufacture of bread; and
- 20 (c) to consider and recommend to the Minister any amendment of existing legislation and proposals for future legislation which in its opinion are necessary and desirable in respect of any matters relating to the industry of bread manufacturing.

(2) The Committee shall, when so directed by the Minister, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to the industry of bread manufacturing which may be referred to the
25 Committee by the Minister.

Bread.

PART VII.

GENERAL.

24. (1) An inspector shall have power—

Powers of
inspectors
and weights
and mea-
sures
inspectors.
(cf. Act No.
40, 1946,
s. 10, and
Act No. 17,
1950, s. 18.)

(a) to enter and inspect—

5 (i) at any time by day or night any premises
of any bread manufacturer, bread distribu-
tor or bread reseller;

(ii) at any reasonable time by day or night any
premises of a trade supplier,

10 for the purpose of ascertaining whether the provi-
sions of this Act (other than Part V) and the
regulations (other than regulations made for the
purposes of that Part) are being complied with;

15 (b) to require the production of any licence or certifi-
cate or of any books, documents and papers refer-
ring to the manufacture, distribution, sale or
supply of bread or trade supplies and to examine,
make copies of or make extracts from them;

20 (c) to stop any person engaged in the distribution or
delivery of bread or trade supplies and search any
vehicle, basket or other means used in connection
therewith;

25 (d) to interrogate any bread manufacturer, bread distri-
butor, bread reseller or trade supplier and any of
his employees with respect to any matter coming
within the provisions of this Act (other than Part
V) or the regulations (other than regulations made
for the purposes of that Part);

30 (e) to seize and take any adulterated, impure or
unwholesome dough or ingredient in or upon any
premises referred to in paragraph (a) of this subsec-
tion which appears to be intended to be used for the
purpose of manufacture of bread; and

(f)

Bread.

(f) to seize and take samples of any dough, bread, meal or flour in or upon any such premises.

(2) A weights and measures inspector shall have power—

- 5 (a) to enter and inspect at all reasonable hours by day or night any shop or any bakehouse for the purpose of ascertaining whether the provisions of Part V of this Act or the regulations made for the purposes of that Part are being complied with;
- 10 (b) to view, weigh and test all bread in any shop in which bread is sold or offered for sale or in any bakehouse;
- 15 (c) to stop any person engaged in the distribution or delivery of bread and search any vehicle, basket or other means used in connection with such distribution or delivery;
- 20 (d) to interrogate any bread manufacturer or person carrying on the business of selling bread and any of their employees with respect to any matter coming within the provisions of Part V of this Act or the regulations made for the purposes of that Part; and
- (e) to seize and take samples of any bread in or upon a bakehouse or shop.

(3) A bread manufacturer, bread distributor and
25 bread reseller, his agents or servants, shall furnish the means required by an inspector or a weights and measures inspector for an entry, inspection, examination and inquiry, or the exercise of his powers under this Act or the regulations and if any bread manufacturer, bread distributor or bread reseller
30 or any agent or servant of any of them fails or refuses to do so, he is guilty of an offence against this Act.

(4) If the admission of an inspector or a weights and measures inspector into any premises in the exercise of his powers under this Act or the regulations is refused or unreasonably delayed, the inspector or weights and measures
35 inspector,

Bread.

inspector, as the case may be, if accompanied by a member of the police force, may enter the premises with such force and with such assistance as he may deem necessary.

(5) A person who wilfully delays or obstructs an
5 inspector or a weights and measures inspector in the exercise
of any power conferred on him by this Act or the regulations,
or who fails to comply with a requisition of an inspector made
under any such power or to produce any books, documents
or papers which he is required to produce, or who conceals or
10 prevents any person from appearing before or being examined
by an inspector or a weights and measures inspector in the
execution of his powers is guilty of an offence against this Act.

(6) Nothing in this section requires a person to
answer any question incriminating himself.

15 (7) Every inspector and weights and measures
inspector shall be furnished with an authority and on applying
for admission to any premises, or exercising any powers con-
ferred on him by this Act or the regulations, shall, if required,
produce the authority to the occupier or person concerned.

20 (8) Any person who forges or counterfeits any such
authority or makes use of any forged, counterfeited, or false
authority, or personates an inspector or a weights and
measures inspector named in any such authority, or falsely
pretends to be an inspector or a weights and measures
25 inspector, is guilty of an offence against this Act.

25. (1) The Minister may, from time to time, by notice
in writing given to a bread manufacturer require him to make
such provision to enable an inspector or inspectors to enter
and inspect all parts of such premises of the bread manu-
30 facturer at such time or times, or at all times during such
period, as the Minister may in the notice specify.

Provision
of means
of entry
for in-
spectors.
(cf. Act No.
40, 1946,
s. 10 (1A).)

(2) If a bread manufacturer to whom a notice is
given under subsection one of this section fails to comply
with the requirements of the notice or if an inspector is
16—C
unable

Bread.

unable, in accordance with the provision required to be made by a bread manufacturer in accordance with such a notice, to enter and inspect the premises referred to in the notice or any part of those premises, the bread manufacturer is guilty of an offence against this Act.

26. (1) Any justice of the peace upon complaint made on oath by an inspector that the inspector—

Entry
under
special
warrant.

- (a) has reasonable cause to believe that premises referred to in the complaint are premises of a bread manufacturer;
- (b) has been unable to enter the premises, or such part thereof as is specified in the complaint, in accordance with the provision required by a notice under subsection one of section twenty-five of this Act in respect of the premises, or by the means required to be furnished under subsection three of section twenty-four of this Act; and
- (c) has reasonable cause to suspect that an offence against this Act is being committed in the premises, or in such part thereof as is so specified, as the case may be,

(cf. Act No.
40, 1946,
s. 10A.)

may, by special warrant under his hand, authorise an inspector to enter and inspect the premises or the part so specified.

(2) An inspector so authorised may at any time within twenty-four hours after the issue of the special warrant, if accompanied by a member of the police force, enter the premises or part thereof specified in the warrant with such force and with such assistance as he may deem necessary.

(3) Every special warrant shall be in the form contained in Schedule Three to this Act or to the like effect.

Bread.

27. (1) In this section—

Access to
bakehouses.
(cf. Act No.
40, 1946,
s. 10B.)

(a) a reference to the bakehouse of a bread manufacturer is a reference—

5 (i) where the whole of any premises is occupied or used by the bread manufacturer for or in connection with the manufacture, preparation or baking of bread or the distribution or sale of bread manufactured, prepared or baked on the premises, to those premises;

10 (ii) where only a part or parts of any premises is or are so occupied or used by the bread manufacturer, to that part or those parts of the premises;

15 (b) “public street” means street, road, lane, thoroughfare or footpath open to and used by the public.

(2) A person shall not in any premises carry on the business of a bread manufacturer—

20 (a) unless there is a direct means of communication by way of ingress and egress complying with subsection three of this section, between his bakehouse and a public street; or

(b) if there is a means of ingress to or egress from his bakehouse otherwise than to or from a public street.

25 (3) The means of communication between the bakehouse of a bread manufacturer and a public street, referred to in paragraph (a) of subsection two of this section, shall—

(a) be solely occupied by and be under the sole control of that person; and

30 (b) be such as to afford convenient and lawful access by inspectors to the whole of the bakehouse from the public street.

(4)

Bread.

(4) A person is, in respect of each day upon which he carries on a business contrary to the provisions of subsection two of this section, guilty of an offence against this Act.

5 (5) A bread manufacturer, and every person in charge or apparently in charge of the manufacture, preparation or baking of bread in a bakehouse of a bread manufacturer, shall, whenever required verbally or in writing by the Minister or by an inspector to give particulars of the
10 means of communication with the bakehouse of the bread manufacturer, give to the Minister or to the inspector, as the case may be, such full and truthful particulars of the means of communication as would enable an inspector to find the means of communication and enter the bakehouse thereby.

15 (6) The particulars referred to in subsection five of this section shall—

- (a) be furnished within such time as the Minister or inspector may specify or, if the Minister or inspector does not specify any time, be furnished forthwith;
20 and
- (b) if the Minister or inspector so requires, be furnished in writing and be accompanied by a plan of the premises showing the means of communication.

(7) Where any person fails to give particulars in
25 accordance with subsections five and six of this section in relation to the means of communication with a bakehouse of a bread manufacturer—

- (a) that person is guilty of an offence against this Act;
- (b) all premises and all parts of premises adjacent to
30 the bakehouse and used or apparently used for or in connection with the manufacture, preparation or baking of bread in the bakehouse or the distribution or sale of bread so manufactured, prepared or baked shall for the purposes of the exercise by any person
35 of any power conferred on him by section twenty-four or twenty-six of this Act be deemed to be part

Bread.

part of the bakehouse and to be in the sole occupation and under the sole control of the bread manufacturer.

(8) Where a bread manufacturer has given particulars in accordance with subsections five and six of this section, he shall not at any time thereafter make any alteration in the means of communication with his bakehouse unless he has given the Minister at least seven days' notice of his intention to make the alteration and particulars thereof.

(9) A bread manufacturer who fails to comply with the provisions of subsection eight of this section is guilty of an offence against this Act.

28. (1) A notice authorised by this Act or the regulations to be given to or served on a person other than the Minister, the Under Secretary or a corporation shall be served—

Service of notices, etc.

- (a) by delivering the notice to that person personally;
- (b) by prepaying the postage and posting the notice as a letter addressed to that person at his last known place of abode or business or, if he is carrying on business at two or more places, at one of those places;
- (c) by leaving the notice at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than sixteen years of age; or
- (d) by leaving the notice at the last known place of business of that person or, if he is carrying on business at two or more places, at one of those places with some person apparently in the service of that person and apparently not less than sixteen years of age.

Bread.

(2) A notice authorised by this Act or the regulations to be given to or served on a person, being a corporation, shall be served—

- 5 (a) by prepaying the postage and posting the notice as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at two or more places, at one of those places; or
- 10 (b) by leaving the notice at that place, or at one of those places, with some person apparently in the service of the corporation and apparently not less than sixteen years of age.

(3) A notice that is authorised by this Act or the regulations to be given or made to or served on a bread manufacturer, and any summons to be served on a bread manufacturer in respect of any offence against this Act or the regulations, shall without prejudice to any other mode of service permitted by law be deemed to be duly served upon the bread manufacturer if the notice or summons is affixed to the door or some other conspicuous part of the premises of the bread manufacturer.

(4) A reference in this section to a notice includes a reference to any requirement authorised to be made by this Act or the regulations that is in writing.

25 **29.** (1) A person who commits an offence against this Act is, where no other penalty is provided, liable for a first offence to a penalty not exceeding one hundred dollars, for a second offence to a penalty not exceeding two hundred and fifty dollars, and for a third or subsequent offence to a penalty not exceeding five hundred dollars. Penalty.
(cf. Act No.
40, 1946,
s. 10c.)

(2) A person shall be liable under subsection one of this section to the penalty provided by that subsection for a second, third or subsequent offence, as the case may be, whether or not the information alleges or makes mention of a previous offence or offences.

(3)

Bread.

(3) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate is deemed to have committed the like offence
5 and liable to the pecuniary penalty or imprisonment provided by this Act for that offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

10 (4) An offence committed by a person against the Bread Industry Act, 1946, or the Bread Manufacture and Delivery Act, 1950, shall, for the purposes of determining whether that person has committed a second, third or subsequent offence as referred to in subsection one of this section,
15 be counted as an offence against this Act.

30. (1) In this section "offence" means—

- (a) an offence against this Act other than an offence arising under Part V of this Act or an offence arising under this Part that relates to the exercise of the powers of a weights and measures inspector;
20 and
- (b) an offence against the regulations, other than regulations made for the purposes of Part V of this Act.

Proceed-
ings.
(cf. Act No.
17, 1950,
s. 13.)

(2) Proceedings for an offence may be taken by any
25 person acting with the authority of the Minister.

(3) On a prosecution for an offence an authority to prosecute purporting to be signed by the Minister shall be evidence of the authority without proof of the Minister's signature or his appointment as Minister.

30 (4) All proceedings for offences may be disposed of summarily before a stipendiary magistrate or an industrial magistrate appointed under the Industrial Arbitration Act, 1940.

(5)

Bread.

(5) The provisions of the Industrial Arbitration Act, 1940, and the regulations thereunder, relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Commission shall apply, mutatis mutandis, to proceedings for offences before a stipendiary magistrate or an industrial magistrate.

(6) In any proceedings for an offence a statement purporting to be signed by the Under Secretary—

- 10 (a) that any person was on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate and as to the terms and conditions, if any, of the licence or certificate;
- 15 (b) that any person was not on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate; or
- 20 (c) that on any date or during any period mentioned in the statement the licence or certificate of any person was suspended,

shall be evidence of the matters contained in the statement without proof of the signature or of the official character of the person appearing to have signed it.

25 **31.** All proceedings for offences against this Act arising under Part V of this Act, offences against this Act arising under this Part that relate to the exercise of the powers of a weights and measures inspector or offences against the regulations made for the purpose of Part V of this Act shall be disposed of summarily before any two justices in petty sessions. Proceedings for offences against Part V. (cf. Act No. 17, 1950, s. 19.)

32. (1) The Governor may make regulations not inconsistent with this Act for or with respect to— Regulations.

- (a) prescribing the form of accounts to be kept by bread manufacturers and trade suppliers;
- (b)

Bread.

- (b) prescribing the standard or standards to be maintained by bread manufacturers in respect of ingredients used in the manufacture of doughs and the making or baking of bread;
- 5 (c) prescribing the forms of applications for licences and certificates and for renewals of licences and certificates and the forms of licences and certificates;
- 10 (d) requiring holders of licences to keep records and registers as prescribed;
- (e) requiring licences and other prescribed documents to be exhibited and regulating the manner of exhibition;
- 15 (f) prescribing the fees to be paid on applications for licences and certificates;
- (g) prescribing the course of training to be completed and the examinations to be passed by applicants for certificates and the qualifications the possession of which shall entitle a person to the issue of a certificate;
- 20 (h) the holding and conduct of examinations for certificates;
- (i) providing for the establishment of a Bakers Examination Board and the powers, authorities, duties and functions of that Board;
- 25 (j) prescribing the fees to be paid for examinations for certificates;
- (k) any matter the subject of a recommendation made by the Bread Industry Advisory Committee under paragraphs (a) and (b) of subsection one of section twenty-three of this Act in so far as regulations are necessary to give effect to the recommendation and provision with respect to that matter is not made under any other Act or regulations made thereunder;
- 30
- 35

Bread.

- (1) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- 5 (2) The regulations made impose a penalty not exceeding forty dollars for any breach thereof.

SCHEDULES.

SCHEDULE ONE.

Secs. 3 (1),
7 (1).

REPEAL OF ACTS.

10	Year and number of Act.	Short title of Act.
PART I		
15	1950 No. 17	Bread Manufacture and Delivery Act, 1950.
	1953 No. 40	Bread Manufacture and Delivery (Amendment) Act, 1953.
PART II		
20	1946 No. 40	Bread Industry Act, 1946.
	1958 No. 8	Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
	1964 No. 56	Bread Industry (Amendment) Act, 1964.

SCHEDULE

Bread.

SCHEDULE TWO.

Secs. 3 (2),
7 (2).

AMENDMENT OF ACTS.

Column 1		Column 2
5	Year and number of Act.	Short title of Act.
		Amendment.
	PART I	
10	1958 No. 8	Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
	1962 No. 43	Factories, Shops and Industries Act, 1962.
	PART II	
15	1962 No. 43	Factories, Shops and Industries Act, 1962.
20		Section 74(1)—omit the definition of "Bread"; omit from the definition of "Make or bake" the words "bread or" wherever occurring.
		Section 95—omit the section.
		Section 96—omit the words "baker or"; omit the words "bread or" wherever occurring.
		Section 97—omit the words "baker or".
25		Section 100—omit the words "baker or" wherever occurring; omit subsection (5) and insert in lieu thereof the following subsection:
30		(5) This section does not apply to or in respect of any premises in respect of which an inspector may exercise any powers under Part VII of the Bread Act, 1969.
35		Schedule One—omit so much of the Schedule as relates to the repeal of Part IV in section 2, and of Part IV, of the Bread Industry Act, 1946; omit so much of the Schedule as relates to the repeal of section 1(4) and section 4 of the Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
40		

Bread.

SCHEDULE THREE.

Sec. 26 (3).

BREAD ACT, 1969.

Special Warrant to Enter Premises of a Bread Manufacturer.

WHEREAS it appears to me, , a justice of the
5 peace in and for the State of New South Wales, by the complaint
on oath by A.B. that A.B., an inspector under the Bread Act,
1969,—

- (a) has reasonable cause to believe that premises referred to
in the complaint are premises of a bread manufacturer;
- 10 (b) has been unable to enter the premises, or such part thereof
as is specified in the complaint, by the means required to
be furnished under subsection three of section twenty-four
of the Bread Act, 1969, or in accordance with the provision
required by a notice under subsection one of section
15 twenty-five of that Act in respect of the premises; and
- (c) has reasonable cause to suspect that an offence against the
Bread Act, 1969, is being committed in the premises, or
in such part thereof so specified, as the case may be,

I do hereby authorise the said inspector, if accompanied by a
20 member of the police force, to enter and inspect premises (or such
part thereof as may be specified herein) situate at ,
with such force and with such assistance as he may deem necessary
at any time within twenty-four hours of the issue hereof.

Given under my hand and seal at in the State
25 of New South Wales, this day of , in the year of
Our Lord one thousand nine hundred and at

o'clock in the forenoon.
afternoon.

30 A Justice of the Peace.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[40c]

No. , 1969.

A BILL

To make provisions in respect of times for the baking and delivery of bread, the licensing of bread manufacturers, the certification of operative bakers, standard denominations or sizes of bread loaves, and certain other matters relating to the bread industry; to constitute a Bread Industry Advisory Committee; to amend the Factories, Shops and Industries Act, 1962; to repeal the Bread Industry Act, 1946, the Bread Manufacture and Delivery Act, 1950, and certain other enactments; and for purposes connected therewith.

[MR WILLIS—26 August, 1969.]

BE

Bread.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Bread Act, 1969". Short title and commencement.
- (2) This Act, except this section and section seven shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, which day is in this Act referred to as the commencement of this Act.
- (3) This section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.
- (4) Section seven of this Act shall commence—
 - (a) upon a day, being later than the day appointed under subsection two of this section, to be appointed by the Governor and notified by proclamation published in the Gazette; or
 - (b) upon the anniversary of the commencement of this Act,
 whichever first occurs.

2. This Act is divided as follows :— Division of Act.
 - 25 **PART I.—PRELIMINARY—ss. 1–4.**
 - PART II.—TIMES FOR BAKING AND DELIVERY OF BREAD—ss. 5–11.**
 - PART III.—BREAD MANUFACTURERS' LICENCES AND OPERATIVE BAKERS' CERTIFICATES—ss. 12–14.**
 - PART**

Bread.

PART IV.—BREAD—DELIVERY, TRADE SUPPLIES AND
STANDARDS—ss. 15–18.

PART V.—BREAD—WEIGHTS—s. 19.

5 PART VI.—THE BREAD INDUSTRY ADVISORY COM-
MITTEE—ss. 20–23.

PART VII.—GENERAL—ss. 24–32.

SCHEDULES.

3. (1) The several Acts specified in Part I of Schedule
One to this Act are hereby repealed. Repeals,
amendments
and savings.

10 (2) Each Act specified in column 1 of Part I of
Schedule Two to this Act is amended in the manner specified
opposite that Act in column 2 of that Part of that Schedule.

(3) All notices, requisitions, licences, certificates and
regulations given, granted, issued or made under any
15 provisions other than sections four, five and six of the Bread
Manufacture and Delivery Act, 1950, and being in force at
the commencement of this Act shall be and continue in force
hereunder, and shall be deemed to have been given, granted,
issued or made, as the case may be, under this Act.

20 (4) All applications made under any provisions of the
Bread Manufacture and Delivery Act, 1950, and not dealt
with at the commencement of this Act, may be dealt with
and determined under this Act.

(5) Nothing in this section shall be construed as
25 extending the term for which any licence, certificate, renewal
of licence or renewal of certificate was granted or issued under
any enactment hereby repealed.

4. (1) In this Act, except in so far as the context or Definitions.
subject-matter otherwise indicates or requires—

30 “apprentice” means apprentice within the meaning of
the Apprentices Act, 1969;

“bakehouse”

Bread.

- 5 “bakehouse” means any building or place in which any bread is manufactured, prepared or baked for trade or sale, and any place or room used in connection with any such building or place for storing bread when manufactured, prepared or baked for trade or sale or any material to be used in the manufacture, preparation or baking of bread for trade or sale;
- “bread” includes bread rolls;
- 10 “bread distributor” means a person who sells bread purchased from a bread manufacturer to bread resellers, wholesale users or consumers, but does not include a bread reseller;
- 15 “bread manufacturer” means a person who carries on the business of manufacturing, preparing or baking bread for trade or sale or who, in carrying on any business, manufactures, prepares or bakes bread for consumption or use in the course of that business;
- 20 “bread reseller” means a person who sells bread by retail at his place of business;
- “certificate” means a certificate or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;
- 25 “inspector” means an inspector appointed under the Factories, Shops and Industries Act, 1962;
- “licence” means a licence or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;
- 30 “operative baker” means a person engaged in the mixing, making, moulding, weighing (except check weighing from a divider) or baking, by hand or machine, of dough for bread, or in the taking of dough pieces for bread to a prover or moulder, or in the
- 35 handing on or stripping of any ovens in connection with the baking of bread;

“regulations”

Bread.

“regulations” means regulations made under this Act;

“shop” means any building or place in which bread is sold or exposed or offered for sale by retail;

5 “the Commission” means the Industrial Commission of New South Wales;

“trade supplier” means a person carrying on the business of supplying trade supplies to bread manufacturers;

10 “trade supplies” means flour, yeast or any other ingredient or substance used in the manufacture, preparation or baking of bread, or any machine, implement or thing used in connection with the manufacture, preparation or baking of bread, or any service in respect of any such flour, yeast, ingredient, substance, machine, implement or thing;

15 “Under Secretary” means the Under Secretary of the Department of Labour and Industry or the person for the time being acting as Under Secretary of that department;

20 “weights and measures inspector” means an inspector appointed under the Weights and Measures Act, 1915.

(2) Any reference in this Act to the supply of any trade supplies shall be deemed to include a reference to the rendering of any service mentioned in the definition of “trade supplies” in subsection one of this section.

Bread.

PART II.

TIMES FOR BAKING AND DELIVERY OF BREAD.

5. (1) In this Part, except in so far as the context or Definitions. subject-matter otherwise indicates or requires—

- 5 “apprenticeship committee” means the apprenticeship committee established under the Apprentices Act, 1969, for the industry of the making or baking of bread, or for an industry which includes that industry;
- 10 “award” means an award under the Industrial Arbitration Act, 1940;
- 15 “distribution centre” means any building or premises to which bread is conveyed directly or indirectly from a bakehouse (whether the bakehouse is situated in or outside New South Wales) and from which bread is delivered to the premises of customers; and a reference to the distribution centre of a bread manufacturer is a reference to a distribution centre to which bread manufactured, prepared or baked
- 20 by him is so conveyed and which is either occupied by him or under his management or control;
- 25 “employee” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940, but does not include an apprentice; and “employed” has a corresponding meaning;
- 30 “employer” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940;
- “industrial agreement” means industrial agreement made and filed under the Industrial Arbitration Act, 1940, or an apprenticeship agreement made and filed under the Apprentices Act, 1969;
- “make or bake” does not include any operations connected with the preparation of dough for bread or the firing of ovens.

(2)

Bread.

(2) The following are areas for the purposes of this Part : —

- (a) the County of Cumberland;
- 5 (b) the County of Northumberland together with that part of the City of Newcastle which is outside the County of Northumberland;
- (c) the City of Greater Wollongong;
- (d) the County of Yancowinna;
- 10 (e) the whole of New South Wales other than the areas referred to in paragraphs (a), (b), (c) and (d) of this subsection.

6. (1) In this section, "industrial tribunal" means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940, for the industry or calling of operative bakers, or for any combination, arrangement or grouping of industries or callings which include that industry or calling. Times for making and baking of bread by employees and apprentices.

(2) An industrial tribunal shall from time to time, on application therefor made under and in accordance with the Industrial Arbitration Act, 1940, and whether or not section seven of this Act has commenced, fix by award starting and ceasing times for the making or baking of bread by male employees who are of or above the age of sixteen years and are operative bakers.

25 (3) An award referred to in subsection two of this section that is made before the commencement of section seven of this Act shall, in so far only as it fixes starting and ceasing times for the making or baking of bread by employees, be expressed to take effect on and from that commencement.

(4)

Bread.

(4) An industrial tribunal in fixing starting and ceasing times for the making or baking of bread by an award referred to in subsection two of this section—

- 5 (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread;
- (b) may make different provisions in respect of different areas, different days of the week and different weeks of the year;
- 10 (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area; and
- (d) may make special provisions applicable to—
 - 15 (i) a specified bakehouse, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet the exigencies of the trade carried on in that bakehouse;
 - (ii) a specified locality defined in the award,
 - 20 being outside the County of Cumberland, the City of Newcastle and the City of Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial
 - 25 influx of tourists or other visitors into the locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

30 (5) Any special provisions made by an award pursuant to subparagraph (ii) of paragraph (d) of subsection four of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

(6)

Bread.

(6) An apprenticeship committee shall from time to time, on application therefor made under and in accordance with the Apprentices Act, 1969, fix by award starting and ceasing times for the making or baking of bread by apprentices in a specified bakehouse, locality or area which are uniform with the times fixed by industrial tribunals for the making or baking of bread by employees in that bakehouse, locality or area.

(7) Where an award or industrial agreement prescribes the payment of additional wages (other than overtime prescribed by the award or agreement as being payable for the performance of work in excess of a specified number of hours within a specified period) to employees or apprentices for the performance of work before or after a time or times specified by that award or agreement, those additional wages shall if the award or agreement so prescribes be regarded for the purposes of the Annual Holidays Act, 1944, or the Long Service Leave Act, 1955, as part of the ordinary pay of those employees or apprentices.

7. (1) The several Acts specified in Part II of Schedule One to this Act are hereby repealed.

Making or baking of bread at certain times prohibited.

(2) The Factories, Shops and Industries Act, 1962, is amended in the manner specified opposite that Act in column 2 of Part II of Schedule Two to this Act.

(3) In this section—

“area” means an area as defined in subsection two of section five of this Act and in which an award, referred to in subsection two of section six of this Act, fixing starting and ceasing times for the making or baking of bread by employees is for the time being in force;

“prescribed

Bread.

“prescribed baking hours” means—

- 5 (a) in relation to a bakehouse in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection four of section six of this Act, is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that bakehouse and ending with the ceasing time so fixed;
- 10 (b) in relation to a bakehouse situated in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph (not being a bakehouse referred to in paragraph (a) of this definition), is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that locality and ending with the ceasing time so fixed; and
- 15 (c) in relation to a bakehouse, situated in an area (not being a bakehouse referred to in paragraph (a) or (b) of this definition)—the period commencing with the starting time fixed by an award made in accordance with subsection two of section six of this Act that is in force in that area and ending with the ceasing time so fixed.
- 20
- 25

- 30 (4) A bread manufacturer (whether an employer or not) or other person employed or engaged for hire or reward to do so who makes or bakes, for trade or sale, bread in a bakehouse otherwise than during the prescribed baking hours relating to that bakehouse is guilty of an offence against this Act.

- 35 8. (1) In this section, “industrial tribunal” means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940.

(2) Times for delivery of bread by employees.

Bread.

(2) An industrial tribunal in fixing, by award, starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers—

- 5 (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread;
- (b) may make different provisions in respect of different areas, different days of the week and different weeks
10 of the year;
- (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area; and
- (d) may make special provisions applicable to—
- 15 (i) the delivery of bread manufactured, prepared or baked in a specified bakehouse, situated in or outside New South Wales, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet
20 the exigencies of the trade carried on in that bakehouse;
- (ii) a specified locality defined in the award being outside the County of Cumberland, the City of Newcastle and the City of
25 Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial influx of tourists or other visitors into the
30 locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

(3) Any special provisions made by an award
35 pursuant to subparagraph (ii) of paragraph (d) of subsection two of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

Bread.

9. (1) In this section—

“area” means an area as defined in subsection two of section five of this Act and in which an award, made before or after the commencement of this Act, fixing starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers, is for the time being in force;

Delivery
of bread
at certain
times pro-
hibited.

“prescribed district” means—

(a) each area referred to in paragraph (a) or (b) of subsection two of section five of this Act; and

(b) any other district declared by the Governor, by order published in the Gazette, to be a prescribed district for the purposes of this section, and defined by the terms of the order.

(2) For the purposes of this section, a person delivers bread if for any purpose of, or in the course of, trade or sale—

(a) he delivers either by himself or by his employee or agent, bread by vehicle or other receptacle to a purchaser, other than his employer, whether the bread was manufactured, prepared or baked in or outside New South Wales;

(b) being a person employed or engaged in the delivery, by vehicle or other receptacle, of bread which he obtains from a bakehouse or distribution centre, he leaves that bakehouse or centre with bread to be so delivered to purchasers, other than his employer;

(c) being a bread manufacturer, he causes or permits a person employed or engaged in the delivery to purchasers, by vehicle or other receptacle, of bread obtained from a bakehouse or distribution centre of that manufacturer, to leave that bakehouse or centre with bread to be so delivered to purchasers, other than that person's employer; or

(d)

Bread.

5 (d) being a bread manufacturer having a bakehouse situated within a prescribed district, he removes or causes or permits bread to be removed from that bakehouse by any person or by any means whatsoever.

(3) The Minister may by order direct that, during a period specified in the order, the provisions of paragraph (d) of subsection two of this section shall not apply to such part of any prescribed district as is specified in the order and any
10 such order shall, while it is in force, have effect accordingly.

(4) A bread manufacturer or bread distributor (whether or not that manufacturer or distributor is an employer) or other person employed or engaged for hire or reward in the manufacture or distribution of bread who—

15 (a) delivers bread in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of that bread and ending with the ceasing time so fixed;

20 (b) delivers bread (not being bread referred to in paragraph (a) of this subsection) in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of bread in that locality and ending with the ceasing time so fixed;
25 or

30 (c) delivers bread (not being bread referred to in paragraph (a) of this subsection) in an area, but outside a locality referred to in paragraph (b) of this subsection, otherwise than during the period commencing with the starting time fixed by an award for the delivery by employees who are bread
35

carters

Bread.

carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers and in force in that area and ending with the ceasing time so fixed,

5 is guilty of an offence against this Act.

(5) An information laid in respect of an offence alleged to have been committed under this section shall be deemed to contain a sufficient description of the offence if it alleges that, on a day and at a place specified in the information, the person charged with the offence, being a person required to comply with this section, did deliver bread otherwise than during prescribed bread delivery hours but a person so charged is entitled to be supplied, at his request, by the informant with particulars of the offence alleged to have been committed.

10. (1) In this section, "industrial tribunal" means the Commission, or a conciliation committee established under the Industrial Arbitration Act, 1940, or an apprenticeship committee.

Saving of powers, etc.

20 (2) Nothing in this Part shall—

(a) derogate from or affect any power or duty of an industrial tribunal to prescribe, by award, payments by way of overtime or penalty rates for any work done by employees or apprentices at times when they may lawfully be employed in such work, or be taken as an expression or indication of intention that any such payments should or should not be so prescribed;

(b) except to the extent of the provisions expressly made by sections six and eight of this Act, derogate from or affect any other power or duty which an industrial tribunal would have had if this Part had not been enacted; or

(c)

Bread.

- 5 (c) affect the liability of any person to a penalty under the Industrial Arbitration Act, 1940, or the Apprentices Act, 1969, for a contravention of, or failure to observe an award, but no person shall in respect of the same Act or omission be convicted of an offence under either of those Acts and under this Act.

11. (1) The Minister may in order to meet the exigencies of the trade carried on in a particular bakehouse by a bread manufacturer who is not an employer or to enable any such bread manufacturer to cater for the needs of tourists or other visitors in the locality in which his bakehouse is situated, and the Minister or the Under Secretary may in the case of any emergency or unforeseen circumstances, by order in writing exempt any persons from the operation of all or any of the provisions of sections seven and nine of this Act for such period and subject to such conditions as the Minister or Under Secretary, as the case may be, may determine.
- 10
15

Exemptions and special provisions.
(cf. Act No. 40, 1946, s. 7.)

- 20 (2) A person who contravenes or fails to observe the conditions of an exemption granted to him under this section is guilty of an offence against this Act.

- 25 (3) A person shall not be liable to be convicted of a breach of an award, including an award under the Apprentices Act, 1969, or of an industrial agreement by reason only of anything done or omitted pursuant to an exemption granted to him under this section.

- 30 (4) The Industrial Arbitration Act, 1940, shall, in relation to an application for an award making the special provisions referred to in subparagraph (i) of paragraph (d) of subsection four of section six or subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, apply as though the words "not less than twenty" were omitted from paragraph (a) of subsection two of section seventy-four thereof.

PART

Bread.

PART III.

BREAD MANUFACTURERS' LICENCES AND OPERATIVE
BAKERS' CERTIFICATES.

12. (1) Any person who applies therefor is entitled to be issued with a licence to carry on in any premises the business of manufacturing, preparing or baking bread for trade or sale if the Under Secretary is satisfied that—
- (a) the applicant is a fit and proper person to hold a licence; and
- (b) the premises and the equipment and facilities provided or to be provided in the premises are suitable for use in the manufacture, preparation or baking of bread.
- (2) A person who carries on in any premises the business of bread manufacturer without being the holder of a licence in relation to those premises is guilty of an offence against this Act.
- (3) An application for a licence shall be made to the Under Secretary, shall be in or to the effect of the prescribed form, shall specify the premises which the applicant proposes to use or, as the case may be, uses as a bakehouse or bakehouses and shall be accompanied by the prescribed fee.
- (4) A licence shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.
- (5) The Under Secretary may—
- (a) grant any application for a licence either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and

Bread
manufac-
turers'
licences.
(cf. Act
No. 17,
1950,
s. 9A.)

(b)

Bread.

5 (b) during the currency of a licence, impose terms and conditions, vary the existing terms and conditions of the licence or impose terms and conditions additional to the existing terms and conditions of the licence.

(6) Any such term or condition may be made applicable to or in respect of all premises or to any one or more of the premises to which the application or, as the case may be, the licence relates.

10 (7) A person, being the holder of a licence, who contravenes or fails to comply with any term or condition of the licence is guilty of an offence against this Act.

(8) The Commission, on the application of the Under Secretary, may—

15 (a) cancel any licence or direct that the renewal of any licence be refused; or
(b) suspend any licence for such period as the Commission may determine,

20 in relation to all premises or any one or more of the premises to which the licence relates, if the Commission is satisfied that the person to whom the licence was issued—

(c) has contravened or failed to comply with any term or condition of the licence;
(d) is not a fit and proper person to hold a licence; or
25 (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years of prescribed offences (whether of the same or different kinds).

30 (9) In subsection eight of this section “prescribed offences” means—

(a) offences under any Act relating to public health;
(b) offences arising under section thirteen, fifteen or seventeen of this Act; and

16—B

(c)

Bread.

(c) offences arising under section four, five, eight or 9B of the Bread Manufacture and Delivery Act, 1950.

(10) Where a licence has been suspended under subsection eight of this section, the person to whom the licence was issued shall, during the period of suspension, be deemed not to be the holder of a licence in relation to the premises in relation to which the licence was suspended.

(11) The decision of the Commission on any application made under subsection eight of this section shall be final and shall be carried into effect by the Under Secretary.

(12) Nothing in this section affects the operation of the Factories, Shops and Industries Act, 1962.

13. (1) Any person who applies therefor is entitled to be issued with a certificate authorising him to act as an operative baker if the Under Secretary is satisfied that the applicant—

Operative
bakers'
certificates.
(cf. Act
No. 17,
1950, s.
9B.)

- (a) is a fit and proper person to hold a certificate; and
- (b) has completed the prescribed course of training and passed the prescribed examinations or possesses the prescribed qualifications which entitle him to the issue of a certificate or is otherwise qualified for the issue of a certificate.

(2) A person who acts as an operative baker in any bakehouse without being the holder of a certificate is guilty of an offence against this Act.

(3) An application for a certificate shall be made to the Under Secretary, shall be in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(4) A certificate shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.

(5)

Bread.

(5) The Under Secretary may—

- (a) grant any application for a certificate either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and
- 5 (b) during the currency of a certificate, impose terms and conditions, vary the existing terms and conditions of the certificate or impose terms and conditions additional to the existing terms and conditions of the certificate.

10 (6) A person, being the holder of a certificate, shall not contravene or fail to comply with any term or condition of the certificate.

Penalty : One hundred dollars.

15 (7) The Commission, on the application of the Under Secretary, may—

- (a) cancel any certificate or direct that the renewal of any certificate be refused; or
- (b) suspend any certificate for such period as the Commission may determine,
- 20 if the Commission is satisfied that the person to whom the certificate was issued—
- (c) has contravened or failed to comply with any term or condition of the certificate;
- (d) is not a fit and proper person to hold a certificate;
- 25 or
- (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years for offences (whether of the same or different kinds) against any Act relating
- 30 to public health.

(8) Where a certificate has been suspended under subsection seven of this section, the person to whom the certificate was issued shall, during the period of suspension, be deemed not to be the holder of a certificate.

(9)

Bread.

(9) The decision of the Commission on any application made under subsection seven of this section shall be final and shall be carried into effect by the Under Secretary.

(10) Subject to the provisions of subsection eleven 5 of this section, a bread manufacturer who knowingly permits or suffers any person who is not the holder of a certificate to act as an operative baker in any bakehouse in respect of which the bread manufacturer holds a licence is guilty of an offence against this Act.

10 (11) This section does not apply to or in respect of an apprentice or probationer for apprenticeship acting as an operative baker under the direct personal control and supervision of the holder of a certificate.

14. (1) Any applicant for or holder of a licence or cer-
15 tificate who is dissatisfied with any decision of the Under
Secretary—

Appeal to
Industrial
Commission.
(cf. Act No.
17, 1950,
s. 9c.)

- (a) refusing his application for a licence either generally or in relation to any premises or refusing his application for a certificate;
- 20 (b) granting his application for a licence, or his application for a certificate, subject to any term or condition; or
- (c) varying any term or condition of the licence or certificate held by him, or imposing any term or condition or any additional term or condition thereof,
- 25 may require the Under Secretary to state in writing the grounds for the decision with which the applicant or holder, as the case may be, is dissatisfied, and the Under Secretary shall forthwith furnish to the applicant or holder, as the case
- 30 may be, a statement of those grounds.

(2) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Under Secretary referred to in subsection one of this section may, in the manner prescribed, appeal to the Commission against that
35 decision.

(3)

Bread.

(3) The appeal shall be by way of rehearing and the decision of the Commission on the appeal shall be final, shall be deemed to be the decision of the Under Secretary and shall be carried into effect accordingly.

5

PART IV.**BREAD—DELIVERY, TRADE SUPPLIES AND STANDARDS.**

15 **15.** (1) The Minister may by notice in writing given to a bread manufacturer require him to sell and deliver or cause to be delivered bread in accordance with the provisions of this section within such area as he may specify in the notice.

The Minister may require delivery of bread.
(cf. Act No. 17, 1950, ss. 4, 5.)

(2) Notwithstanding the terms of any contract, agreement or arrangement with any other bread manufacturer or person (whether made before or after the commencement of this Act), a bread manufacturer to whom any such notice has been given shall, if so required verbally or in writing by any person—

(a) sell to that person; and

(b) deliver or cause to be delivered at any place within the area specified in such notice,

20 bread in such reasonable quantities and at such reasonable intervals as may from time to time be stipulated in any usual and sufficient manner and on such terms and conditions as are usual in respect of bread so sold and delivered.

25 (3) A person who contravenes or fails to comply with the provisions of subsection two of this section is guilty of an offence against this Act.

(4) Nothing in this section operates to require a bread manufacturer to sell and deliver or cause to be delivered—

30 (a) bread to any person who upon tender of delivery fails to pay the lawful retail price for the bread upon demand;

(b)

Bread.

- (b) bread at such a time that the delivery would constitute, or involve the commission of, an offence under Part II of this Act; or
- (c) bread required by him for consumption in the course of his business.

(5) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

- (6) In this section, "place" includes any house, shop, structure, building or any land or premises whatsoever, and any part of any such place which is separately occupied.

16. (1) The Minister may by notice in writing given to a trade supplier require him to supply to any bread manufacturer or any person proposing to commence business as a bread manufacturer named in the notice such trade supplies (being trade supplies in which the trade supplier ordinarily deals in the course of his business) as may be specified in the notice and in such quantities, at such times and intervals and subject to such terms and conditions as may be specified in the notice.

Trade suppliers to supply bread manufacturers with necessary trade supplies.
(cf. Act No. 17, 1950, s. 7.)

(2) The Minister may revoke any such notice or suspend any such notice for such period or periods as he may think fit or may from time to time vary any terms and conditions of such notice in such manner as he may determine.

(3) Notwithstanding the terms of any contract, agreement or arrangement with any other trade supplier, bread manufacturer or other person (whether made before or after the commencement of this Act), a trade supplier to whom any such notice has been given shall, if so required by the bread manufacturer or other person named in the notice supply to that bread manufacturer or other person trade supplies in accordance with the notice.

(4)

Bread.

(4) A person who contravenes or fails to comply with the provisions of subsection three of this section is guilty of an offence against this Act.

Penalty : Two thousand dollars or imprisonment for twelve 5 months.

(5) Nothing in this section operates to require a trade supplier to supply trade supplies to any bread manufacturer or other person who, after being required so to do by the trade supplier, refuses to pay cash on delivery for any 10 trade supplies supplied or required to be supplied to him.

(6) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

15 17. (1) Where the ingredients from which bread shall be made, the manner in which bread shall be made or processed or a standard or standards relating to the quality of bread have or has been prescribed, a person—

Standard loaf.
(cf. Act No. 17, 1950, s. 8.)

20 (a) being a bread manufacturer, shall not manufacture, prepare or bake for trade or sale bread not made from the prescribed ingredients, or not processed in the prescribed manner, or which does not conform to the prescribed standard or standards as to quality; or

25 (b) shall not sell or expose for sale bread knowing that it has not been so made, or that it has not been so processed, or that it does not conform to that prescribed standard or those prescribed standards.

30 (2) A person who contravenes or fails to comply with the provisions of subsection one of this section is guilty of an offence against this Act.

(3)

Bread.

(3) The Minister shall not recommend the making of any regulation prescribing any matter for the purposes of subsection one of this section unless—

- 5 (a) he has appointed a committee consisting of representatives of the Department of Agriculture, the Department of Public Health, the Department of Labour and Industry and such other persons as the Minister may determine;
- 10 (b) that committee has considered the proposed regulation; and
- (c) the Minister has had regard to any recommendation of that committee with respect to the proposed regulation.

15 **18.** (1) A flour miller shall not sell or deliver flour to a trade supplier, bread manufacturer or person proposing to commence business as a bread manufacturer unless there is conspicuously appended in the manner prescribed to every bag or other container in which the flour is sold or delivered such specification setting out such description as may be prescribed relating to the protein and maltose content of the flour and such other description of the ingredients contained in the flour and such other particulars relating to the use of the flour in the manufacture of bread as may be prescribed.

Flour miller to specify description of ingredients.
(cf. Act No. 17, 1950, s. 9.)

25 (2) A person who contravenes or fails to comply with the provisions of this section is guilty of an offence against this Act.

PART V.

BREAD—WEIGHTS.

30 **19.** (1) In this section, "bread" does not include bread rolls not exceeding six ounces in weight.

Bread to be made in loaves of certain weight.

(2) (cf. Act No. 17, 1950, s. 17.)

Bread.

(2) All bread made or baked for trade or sale within the State shall be made into loaves weighing not less than one pound, two pounds and four pounds respectively.

(3) Notwithstanding anything contained in subsection two of this section the Governor may make regulations authorising, subject to such conditions, if any, as may be prescribed, bread made or baked for trade or sale within the State to be made into loaves of such denominations or sizes, in addition to those specified in subsection two of this section, as may be specified in the regulations.

(4) Without limiting the generality of subsection three of this section, the conditions that may be prescribed under that subsection may include conditions—

- (a) as to type or variety of the bread; or
- (b) requiring the affixing, by label or otherwise, to the loaves of bread, or the impressing or embossing on the loaves of bread during baking by means of the surface of the tin or other utensil in which the loaves are baked, of such particulars as to type, variety, denomination or size as may be prescribed and regulating the manner of that affixing, impressing or embossing.

(5) Regulations under subsection three of this section may prescribe denominations or sizes by reference to the total weight of the loaves, the weight of dry solids contained therein, or any other criteria prescribed by the regulations.

(6) A person who makes or bakes for trade or sale—

- (a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three, of this section;
- (b) bread in a loaf of any denomination or size prescribed under subsection three of this section without complying with the conditions, if any,

prescribed

Bread.

prescribed under that subsection in relation to the making or baking of bread of that denomination or size; or

- 5 (c) any loaf which is found deficient of its due weight when weighed by an inspector,

is guilty of an offence against this Act and liable for a first offence to a penalty not exceeding two hundred dollars, for a second offence to a penalty not exceeding four hundred dollars and for a third or subsequent offence to a penalty not
10 exceeding one thousand dollars.

(7) A person shall not sell or offer for sale—

- (a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three of this section;
- 15 (b) bread in a loaf of any denomination or size prescribed under subsection three of this section where the conditions, if any, prescribed under that subsection in relation to the making or baking of bread of that denomination or size have not been complied with; or
- 20 (c) any loaf which is found deficient of its due weight when weighed by an inspector.

Penalty : Twenty dollars.

- (8) Except where the due weight of the loaf is a
25 weight that has been prescribed under subsection three of this section by reference to the weight of dry solids contained in the loaf, it shall be a sufficient defence to any prosecution under this section for making or baking for trade or sale or selling or offering for sale any loaf which is found deficient
30 of its due weight when weighed by an inspector if the defendant proves that the loaf was not made or baked within the period of twenty-four hours of its being so weighed.

PART

Bread.

PART VI.

THE BREAD INDUSTRY ADVISORY COMMITTEE.

20. In this Part of this Act—

Definitions.

5 “Committee” means the Bread Industry Advisory Committee constituted under this Part of this Act;

“member” means member of the Committee.

21. (1) There shall be constituted a Bread Industry Advisory Committee which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Part of this Act.

Constitution of Bread Industry Advisory Committee. (cf. Act No. 17, 1950, s. 9D.)

(2) The Committee shall, subject to subsection five of this section, consist of seven members to be appointed by the Governor.

15 (3) Of the members of the Committee—

(a) one shall be the Under Secretary, who shall be chairman of the Committee;

20 (b) two shall be persons nominated by the Minister to be representative of employees engaged in the industry of the manufacturing and delivery of bread;

(c) two shall be persons nominated by the Minister to be representative of employers engaged in that industry; and

25 (d) two shall be persons nominated by the Minister to be representative of consumers of bread.

(4) If the Under Secretary is unable to attend any meeting of the Committee he may appoint an officer of his Department to attend and act for him at that meeting and for all purposes that officer when so acting shall be deemed to be the chairman of the Committee.

(5)

Bread.

(5) Upon being requested so to do by the chairman of the Committee, the Minister may appoint persons to attend meetings of the Committee for the purpose of considering any matter and a person so appointed shall while so attending
5 any meeting of the Committee be deemed for the purposes of this section and section twenty-two of this Act to be a member.

22. (1) Subject to this section the members, other than the chairman, shall hold office for a term of three years and shall be eligible for re-appointment from time to time upon
10 the expiration of their term of office.

Provisions
applicable to
Committee.

(2) A member, other than the chairman, shall be entitled to receive such remuneration or fees for his services and a member shall be entitled to receive such travelling expenses as may be fixed from time to time by the Governor.

15 (3) A member, other than the chairman, shall be deemed to have vacated his office if he—

(a) dies;

20 (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;

(c) is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

25 (d) resigns his office by writing under his hand addressed to the Governor; or

(e) is removed from office by the Governor.

(4) On the occurrence of a vacancy in the office of a member, the Governor may appoint to the vacant office a person to be representative of the same interests as his
30 predecessor and he shall, subject to this section, hold office for the remainder of his predecessor's term of office.

(5)

Bread.

(5) In the case of the illness or absence of a member other than the chairman, the Governor may appoint a deputy to act in the place of that member during his illness or absence.

(6) A deputy appointed under subsection five of this section while acting as a deputy may exercise and discharge all the powers, authorities, duties and functions of the member in whose place he acts.

(7) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Committee by or under this Part, the Committee may, with the approval of the Minister concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

15 (8) A majority (one of whom shall be the chairman) of the members (including, where the Committee is considering any matter in respect of which additional members have been appointed under subsection five of section twenty-one of this Act, those additional members) of the Committee
20 shall constitute a quorum for the purposes of any meeting of the Committee, and any duly convened meeting at which a quorum is present shall be capable of exercising and performing any of the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Act.

25 (9) At any meeting of the Committee at which a quorum is present the decision of the majority of the members present and voting at such meeting shall be the decision of the Committee.

(10) If at any meeting of the Committee the voting
30 on any matter is equal, the chairman shall have a second or casting vote.

(11) The Committee shall cause minutes of its proceedings and decisions at formal meetings to be kept.

(12)

Bread.

(12) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to this section and to any regulations in relation thereto, be as determined by the Committee.

5 (13) In subsections one, three, four and five of this section, "member" includes a person appointed under subsection five of section twenty-one of this Act.

23. (1) The Committee shall have power—

- 10 (a) to investigate and make recommendations to the Minister in respect of special measures necessary to improve methods of bread making and distribution and sanitary conditions in bakehouses;
- 15 (b) to recommend to the Minister standards of efficiency necessary for persons engaged in the manufacture of bread; and
- 20 (c) to consider and recommend to the Minister any amendment of existing legislation and proposals for future legislation which in its opinion are necessary and desirable in respect of any matters relating to the industry of bread manufacturing.

Functions
of Com-
mittee.
(cf. Act No.
17, 1950,
s. 9E.)

(2) The Committee shall, when so directed by the Minister, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to the industry of bread manufacturing which may be referred to the
25 Committee by the Minister.

Bread.

PART VII.

GENERAL.

24. (1) An inspector shall have power—

(a) to enter and inspect—

5

(i) at any time by day or night any premises of any bread manufacturer, bread distributor or bread reseller;

(ii) at any reasonable time by day or night any premises of a trade supplier,

10

for the purpose of ascertaining whether the provisions of this Act (other than Part V) and the regulations (other than regulations made for the purposes of that Part) are being complied with;

15

(b) to require the production of any licence or certificate or of any books, documents and papers referring to the manufacture, distribution, sale or supply of bread or trade supplies and to examine, make copies of or make extracts from them;

20

(c) to stop any person engaged in the distribution or delivery of bread or trade supplies and search any vehicle, basket or other means used in connection therewith;

25

(d) to interrogate any bread manufacturer, bread distributor, bread reseller or trade supplier and any of his employees with respect to any matter coming within the provisions of this Act (other than Part V) or the regulations (other than regulations made for the purposes of that Part);

30

(e) to seize and take any adulterated, impure or unwholesome dough or ingredient in or upon any premises referred to in paragraph (a) of this subsection which appears to be intended to be used for the purpose of manufacture of bread; and

(f)

Powers of inspectors and weights and measures inspectors. (cf. Act No. 40, 1946, s. 10, and Act No. 17, 1950, s. 18.)

Bread.

(f) to seize and take samples of any dough, bread, meal or flour in or upon any such premises.

(2) A weights and measures inspector shall have power—

- 5 (a) to enter and inspect at all reasonable hours by day or night any shop or any bakehouse for the purpose of ascertaining whether the provisions of Part V of this Act or the regulations made for the purposes of that Part are being complied with;
- 10 (b) to view, weigh and test all bread in any shop in which bread is sold or offered for sale or in any bakehouse;
- 15 (c) to stop any person engaged in the distribution or delivery of bread and search any vehicle, basket or other means used in connection with such distribution or delivery;
- 20 (d) to interrogate any bread manufacturer or person carrying on the business of selling bread and any of their employees with respect to any matter coming within the provisions of Part V of this Act or the regulations made for the purposes of that Part; and
- (e) to seize and take samples of any bread in or upon a bakehouse or shop.

(3) A bread manufacturer, bread distributor and
25 bread reseller, his agents or servants, shall furnish the means required by an inspector or a weights and measures inspector for an entry, inspection, examination and inquiry, or the exercise of his powers under this Act or the regulations and if
any bread manufacturer, bread distributor or bread reseller
30 or any agent or servant of any of them fails or refuses to do so, he is guilty of an offence against this Act.

(4) If the admission of an inspector or a weights and measures inspector into any premises in the exercise of his powers under this Act or the regulations is refused or unrea-
35 sonably delayed, the inspector or weights and measures inspector,

Bread.

inspector, as the case may be, if accompanied by a member of the police force, may enter the premises with such force and with such assistance as he may deem necessary.

(5) A person who wilfully delays or obstructs an inspector or a weights and measures inspector in the exercise of any power conferred on him by this Act or the regulations, or who fails to comply with a requisition of an inspector made under any such power or to produce any books, documents or papers which he is required to produce, or who conceals or prevents any person from appearing before or being examined by an inspector or a weights and measures inspector in the execution of his powers is guilty of an offence against this Act.

(6) Nothing in this section requires a person to answer any question incriminating himself.

(7) Every inspector and weights and measures inspector shall be furnished with an authority and on applying for admission to any premises, or exercising any powers conferred on him by this Act or the regulations, shall, if required, produce the authority to the occupier or person concerned.

(8) Any person who forges or counterfeits any such authority or makes use of any forged, counterfeited, or false authority, or personates an inspector or a weights and measures inspector named in any such authority, or falsely pretends to be an inspector or a weights and measures inspector, is guilty of an offence against this Act.

25. (1) The Minister may, from time to time, by notice in writing given to a bread manufacturer require him to make such provision to enable an inspector or inspectors to enter and inspect all parts of such premises of the bread manufacturer at such time or times, or at all times during such period, as the Minister may in the notice specify.

Provision of means of entry for inspectors. (cf. Act No. 40, 1946, s. 10 (1A).)

(2) If a bread manufacturer to whom a notice is given under subsection one of this section fails to comply with the requirements of the notice or if an inspector is unable

Bread.

unable, in accordance with the provision required to be made by a bread manufacturer in accordance with such a notice, to enter and inspect the premises referred to in the notice or any part of those premises, the bread manufacturer is guilty of an offence against this Act.

26. (1) Any justice of the peace upon complaint made on oath by an inspector that the inspector—

Entry
under
special
warrant.

(a) has reasonable cause to believe that premises referred to in the complaint are premises of a bread manufacturer; (cf. Act No. 40, 1946, s. 10A.)

(b) has been unable to enter the premises, or such part thereof as is specified in the complaint, in accordance with the provision required by a notice under subsection one of section twenty-five of this Act in respect of the premises, or by the means required to be furnished under subsection three of section twenty-four of this Act; and

(c) has reasonable cause to suspect that an offence against this Act is being committed in the premises, or in such part thereof as is so specified, as the case may be,

may, by special warrant under his hand, authorise an inspector to enter and inspect the premises or the part so specified.

(2) An inspector so authorised may at any time within twenty-four hours after the issue of the special warrant, if accompanied by a member of the police force, enter the premises or part thereof specified in the warrant with such force and with such assistance as he may deem necessary.

(3) Every special warrant shall be in the form contained in Schedule Three to this Act or to the like effect.

Bread.

27. (1) In this section—

Access to
bakehouses.
(cf. Act No.
40, 1946,
s. 10B.)

(a) a reference to the bakehouse of a bread manufacturer is a reference—

5 (i) where the whole of any premises is occupied or used by the bread manufacturer for or in connection with the manufacture, preparation or baking of bread or the distribution or sale of bread manufactured, prepared or baked on the premises, to those premises;

10 (ii) where only a part or parts of any premises is or are so occupied or used by the bread manufacturer, to that part or those parts of the premises;

15 (b) “public street” means street, road, lane, thoroughfare or footpath open to and used by the public.

(2) A person shall not in any premises carry on the business of a bread manufacturer—

20 (a) unless there is a direct means of communication by way of ingress and egress complying with subsection three of this section, between his bakehouse and a public street; or

(b) if there is a means of ingress to or egress from his bakehouse otherwise than to or from a public street.

25 (3) The means of communication between the bakehouse of a bread manufacturer and a public street, referred to in paragraph (a) of subsection two of this section, shall—

(a) be solely occupied by and be under the sole control of that person; and

30 (b) be such as to afford convenient and lawful access by inspectors to the whole of the bakehouse from the public street.

(4)

Bread.

(4) A person is, in respect of each day upon which he carries on a business contrary to the provisions of subsection two of this section, guilty of an offence against this Act.

5 (5) A bread manufacturer, and every person in charge or apparently in charge of the manufacture, preparation or baking of bread in a bakehouse of a bread manufacturer, shall, whenever required verbally or in writing by the Minister or by an inspector to give particulars of the
10 means of communication with the bakehouse of the bread manufacturer, give to the Minister or to the inspector, as the case may be, such full and truthful particulars of the means of communication as would enable an inspector to find the means of communication and enter the bakehouse thereby.

15 (6) The particulars referred to in subsection five of this section shall—

- 20 (a) be furnished within such time as the Minister or inspector may specify or, if the Minister or inspector does not specify any time, be furnished forthwith; and
- (b) if the Minister or inspector so requires, be furnished in writing and be accompanied by a plan of the premises showing the means of communication.

25 (7) Where any person fails to give particulars in accordance with subsections five and six of this section in relation to the means of communication with a bakehouse of a bread manufacturer—

- (a) that person is guilty of an offence against this Act;
- 30 (b) all premises and all parts of premises adjacent to the bakehouse and used or apparently used for or in connection with the manufacture, preparation or baking of bread in the bakehouse or the distribution or sale of bread so manufactured, prepared or baked shall for the purposes of the exercise by any person
35 of any power conferred on him by section twenty-four or twenty-six of this Act be deemed to be
part

Bread.

part of the bakehouse and to be in the sole occupation and under the sole control of the bread manufacturer.

(8) Where a bread manufacturer has given particulars in accordance with subsections five and six of this section, he shall not at any time thereafter make any alteration in the means of communication with his bakehouse unless he has given the Minister at least seven days' notice of his intention to make the alteration and particulars thereof.

10 (9) A bread manufacturer who fails to comply with the provisions of subsection eight of this section is guilty of an offence against this Act.

28. (1) A notice authorised by this Act or the regulations to be given to or served on a person other than the Minister, the Under Secretary or a corporation shall be served—
Service of notices, etc.

- (a) by delivering the notice to that person personally
- 20 (b) by prepaying the postage and posting the notice as a letter addressed to that person at his last known place of abode or business or, if he is carrying on business at two or more places, at one of those places;
- 25 (c) by leaving the notice at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than sixteen years of age; or
- 30 (d) by leaving the notice at the last known place of business of that person or, if he is carrying on business at two or more places, at one of those places with some person apparently in the service of that person and apparently not less than sixteen years of age.

Bread.

(2) A notice authorised by this Act or the regulations to be given to or served on a person, being a corporation, shall be served—

- 5 (a) by prepaying the postage and posting the notice as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at two or more places, at one of those places; or
- 10 (b) by leaving the notice at that place, or at one of those places, with some person apparently in the service of the corporation and apparently not less than sixteen years of age.

(3) A notice that is authorised by this Act or the regulations to be given or made to or served on a bread manufacturer, and any summons to be served on a bread manufacturer in respect of any offence against this Act or the regulations, shall without prejudice to any other mode of service permitted by law be deemed to be duly served upon the bread manufacturer if the notice or summons is affixed

20 to the door or some other conspicuous part of the premises of the bread manufacturer.

(4) A reference in this section to a notice includes a reference to any requirement authorised to be made by this Act or the regulations that is in writing.

25 **29.** (1) A person who commits an offence against this Act is, where no other penalty is provided, liable for a first offence to a penalty not exceeding one hundred dollars, for a second offence to a penalty not exceeding two hundred and fifty dollars, and for a third or subsequent offence to a penalty

30 not exceeding five hundred dollars.

Penalty.
(cf. Act No. 40, 1946, s. 10c.)

(2) A person shall be liable under subsection one of this section to the penalty provided by that subsection for a second, third or subsequent offence, as the case may be, whether or not the information alleges or makes mention of

35 a previous offence or offences.

(3)

Bread.

(3) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate is deemed to have committed the like offence and liable to the pecuniary penalty or imprisonment provided by this Act for that offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

10 (4) An offence committed by a person against the Bread Industry Act, 1946, or the Bread Manufacture and Delivery Act, 1950, shall, for the purposes of determining whether that person has committed a second, third or subsequent offence as referred to in subsection one of this section,
15 be counted as an offence against this Act.

30. (1) In this section "offence" means—

- (a) an offence against this Act other than an offence arising under Part V of this Act or an offence arising under this Part that relates to the exercise of the powers of a weights and measures inspector; and
20
(b) an offence against the regulations, other than regulations made for the purposes of Part V of this Act.
- Proceedings.
(cf. Act No. 17, 1950, s. 13.)

(2) Proceedings for an offence may be taken by any
25 person acting with the authority of the Minister.

(3) On a prosecution for an offence an authority to prosecute purporting to be signed by the Minister shall be evidence of the authority without proof of the Minister's signature or his appointment as Minister.

30 (4) All proceedings for offences may be disposed of summarily before a stipendiary magistrate or an industrial magistrate appointed under the Industrial Arbitration Act, 1940.

(5)

Bread.

(5) The provisions of the Industrial Arbitration Act, 1940, and the regulations thereunder, relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Commission shall apply, *mutatis mutandis*, to proceedings for offences before a stipendiary magistrate or an industrial magistrate.

(6) In any proceedings for an offence a statement purporting to be signed by the Under Secretary—

- 10 (a) that any person was on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate and as to the terms and conditions, if any, of the licence or certificate;
- 15 (b) that any person was not on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate; or
- 20 (c) that on any date or during any period mentioned in the statement the licence or certificate of any person was suspended,

shall be evidence of the matters contained in the statement without proof of the signature or of the official character of the person appearing to have signed it.

25 **31.** All proceedings for offences against this Act arising under Part V of this Act, offences against this Act arising ^{Proceedings for offences against} under this Part that relate to the exercise of the powers of a Part V. weights and measures inspector or offences against the regu- (cf. Act No. 17, 1950, s. 19.)
 30 lations made for the purpose of Part V of this Act shall be disposed of summarily before any two justices in petty sessions.

32. (1) The Governor may make regulations not incon- Regulations.
 sistent with this Act for or with respect to—

- (a) prescribing the form of accounts to be kept by bread manufacturers and trade suppliers;

(b)

Bread.

- (b) prescribing the standard or standards to be maintained by bread manufacturers in respect of ingredients used in the manufacture of doughs and the making or baking of bread;
- 5 (c) prescribing the forms of applications for licences and certificates and for renewals of licences and certificates and the forms of licences and certificates;
- 10 (d) requiring holders of licences to keep records and registers as prescribed;
- (e) requiring licences and other prescribed documents to be exhibited and regulating the manner of exhibition;
- 15 (f) prescribing the fees to be paid on applications for licences and certificates;
- (g) prescribing the course of training to be completed and the examinations to be passed by applicants for certificates and the qualifications the possession of which shall entitle a person to the issue of a certificate;
- 20 (h) the holding and conduct of examinations for certificates;
- (i) providing for the establishment of a Bakers Examination Board and the powers, authorities, duties and functions of that Board;
- 25 (j) prescribing the fees to be paid for examinations for certificates;
- (k) any matter the subject of a recommendation made by the Bread Industry Advisory Committee under paragraphs (a) and (b) of subsection one of section twenty-four of this Act in so far as regulations are necessary to give effect to the recommendation and provision with respect to that matter is not made under any other Act or regulations made thereunder;
- 30
- 35

(1)

Bread.

- (1) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- 5 (2) The regulations made impose a penalty not exceeding forty dollars for any breach thereof.

SCHEDULES.

SCHEDULE ONE.

Secs. 3 (1),
7 (1).

REPEAL OF ACTS.

10	Year and number of Act.	Short title of Act.
PART I		
15	1950 No. 17 Bread Manufacture and Delivery Act, 1950.
	1953 No. 40 Bread Manufacture and Delivery (Amendment) Act, 1953.
PART II		
20	1946 No. 40 Bread Industry Act, 1946.
	1958 No. 8 Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
	1964 No. 56 Bread Industry (Amendment) Act, 1964.

SCHEDULE

Bread.

SCHEDULE TWO.

Secs. 3 (2),
7 (2).

AMENDMENT OF ACTS.

Column 1		Column 2
5	Year and number of Act.	Short title of Act.
		Amendment.
	PART I	
10	1958 No. 8	Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
	1962 No. 43	Factories, Shops and Industries Act, 1962.
	PART II	
15	1962 No. 43	Factories, Shops and Industries Act, 1962.
20		Section 74(1)—omit the definition of "Bread"; omit from the definition of "Make or bake" the words "bread or" wherever occurring.
		Section 95—omit the section.
		Section 96—omit the words "baker or"; omit the words "bread or" wherever occurring.
		Section 97—omit the words "baker or".
25		Section 100—omit the words "baker or" wherever occurring; omit subsection (5) and insert in lieu thereof the following subsection:
30		(5) This section does not apply to or in respect of any premises in respect of which an inspector may exercise any powers under Part VII of the Bread Act, 1969.
35		Schedule One—omit so much of the Schedule as relates to the repeal of Part IV in section 2, and of Part IV, of the Bread Industry Act, 1946; omit so much of the Schedule as relates to the repeal of section 1(4) and section 4 of the Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
40		

Bread.

SCHEDULE THREE.

Sec. 26 (3).

BREAD ACT, 1969.

Special Warrant to Enter Premises of a Bread Manufacturer.

WHEREAS it appears to me, , a justice of the
5 peace in and for the State of New South Wales, by the complaint
on oath by A.B. that A.B., an inspector under the Bread Act,
1969,—

- (a) has reasonable cause to believe that premises referred to
in the complaint are premises of a bread manufacturer;
- 10 (b) has been unable to enter the premises, or such part thereof
as is specified in the complaint, by the means required to
be furnished under subsection three of section twenty-four
of the Bread Act, 1969, or in accordance with the provision
required by a notice under subsection one of section
15 twenty-five of that Act in respect of the premises; and
- (c) has reasonable cause to suspect that an offence against the
Bread Act, 1969, is being committed in the premises, or
in such part thereof so specified, as the case may be,

I do hereby authorise the said inspector, if accompanied by a
20 member of the police force, to enter and inspect premises (or such
part thereof as may be specified herein) situate at ,
with such force and with such assistance as he may deem necessary
at any time within twenty-four hours of the issue hereof.

Given under my hand and seal at in the State
25 of New South Wales, this day of , in the year of
Our Lord one thousand nine hundred and at

o'clock in the forenoon.
afternoon.

30

A Justice of the Peace.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

BREAD BILL, 1969.

EXPLANATORY NOTE.

THE objects of this Bill are to consolidate the enactments regulating the bread industry into one Act, and to make the following changes and others ancillary thereto:—

- (a) to repeal the provisions which fix the hours for the baking of bread and which empower the Minister to vary those hours, and to provide instead that the hours for bread baking in any area shall be the working times prescribed by an award of an industrial tribunal for employees engaged in that work in that area;
- (b) to empower industrial tribunals to prescribe by award special hours for the baking of bread, or the delivery of bread baked, in a particular bakehouse or for the baking or delivery of bread in a particular locality outside the County of Cumberland, City of Newcastle and City of Greater Wollongong for periods of up to fifteen weeks in any year, where the tribunals are satisfied that there is likely to be a substantial influx of tourists or other visitors into the locality and that the special provisions are necessary or desirable in order that the reasonable needs of those tourists or visitors may be met;
- (c) to provide that the hours for the delivery in New South Wales of bread baked outside the State shall be the same as for bread baked in the State;
- (d) to extend to the whole of the State the provisions that relate to the hours for bread baking and delivery;
- (e) to prohibit (subject to provision for exemption) the removal, in the course of trade, of bread from bakehouses in the Counties of Cumberland and Northumberland, that part of the City of Newcastle that is outside the County of Northumberland and other proclaimed districts at times when the delivery of bread is unlawful;
- (f) to enlarge the membership of the Bread Industry Advisory Committee from five to seven;
- (g) to transfer the power to suspend or cancel bread manufacturers' licences and operative bakers' certificates from the Under Secretary of the Department of Labour and Industry to the Industrial Commission of New South Wales;
- (h) to substitute for the present requirements as to the home delivery of bread a requirement that home deliveries shall be made when so required by notice served by the Minister on the bread manufacturer and within an area defined in such notice;
- (i) to enable regulations to be made fixing standard denominations of bread loaves by reference to the weight of the dry solids contained in such loaves;
- (j) to repeal the provisions which require—
 - (a) a bread manufacturer, when so directed by notice served on him by the Minister, to bake bread in such types and varieties as are specified in the notice;
 - (b) that bread delivered by vehicle must in certain circumstances bear an identifying mark assigned to the bread manufacturer.

PROOF

No. , 1969.

A BILL

To make provisions in respect of times for the baking and delivery of bread, the licensing of bread manufacturers, the certification of operative bakers, standard denominations or sizes of bread loaves, and certain other matters relating to the bread industry; to constitute a Bread Industry Advisory Committee; to amend the Factories, Shops and Industries Act, 1962; to repeal the Bread Industry Act, 1946, the Bread Manufacture and Delivery Act, 1950, and certain other enactments; and for purposes connected therewith.

[MR WILLIS—26 August, 1969.]

BE

Bread.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Bread Act, 1969". Short title and commencement.

(2) This Act, except this section and section seven shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, which day is in this Act referred to as the commencement of this Act.

(3) This section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(4) Section seven of this Act shall commence—

(a) upon a day, being later than the day appointed under subsection two of this section, to be appointed by the Governor and notified by proclamation published in the Gazette; or

(b) upon the anniversary of the commencement of this Act,

whichever first occurs.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—TIMES FOR BAKING AND DELIVERY OF BREAD—ss. 5–11.

PART III.—BREAD MANUFACTURERS' LICENCES AND OPERATIVE BAKERS' CERTIFICATES—ss. 12–14.

PART

Division of Act.

Bread.

PART IV.—BREAD—DELIVERY, TRADE SUPPLIES AND
STANDARDS—ss. 15–18.

PART V.—BREAD—WEIGHTS—s. 19.

5 PART VI.—THE BREAD INDUSTRY ADVISORY COM-
MITTEE—ss. 20–23.

PART VII.—GENERAL—ss. 24–32.

SCHEDULES.

3. (1) The several Acts specified in Part I of Schedule One to this Act are hereby repealed. Repeals,
amendments
and savings.

10 (2) Each Act specified in column 1 of Part I of
Schedule Two to this Act is amended in the manner specified
opposite that Act in column 2 of that Part of that Schedule.

(3) All notices, requisitions, licences, certificates and
regulations given, granted, issued or made under any
15 provisions other than sections four, five and six of the Bread
Manufacture and Delivery Act, 1950, and being in force at
the commencement of this Act shall be and continue in force
hereunder, and shall be deemed to have been given, granted,
issued or made, as the case may be, under this Act.

20 (4) All applications made under any provisions of the
Bread Manufacture and Delivery Act, 1950, and not dealt
with at the commencement of this Act, may be dealt with
and determined under this Act.

(5) Nothing in this section shall be construed as
25 extending the term for which any licence, certificate, renewal
of licence or renewal of certificate was granted or issued under
any enactment hereby repealed.

4. (1) In this Act, except in so far as the context or Definitions.
subject-matter otherwise indicates or requires—

30 “apprentice” means apprentice within the meaning of
the Apprentices Act, 1969;

“bakehouse”

Bread.

- 5 “bakehouse” means any building or place in which any bread is manufactured, prepared or baked for trade or sale, and any place or room used in connection with any such building or place for storing bread when manufactured, prepared or baked for trade or sale or any material to be used in the manufacture, preparation or baking of bread for trade or sale;
- “bread” includes bread rolls;
- 10 “bread distributor” means a person who sells bread purchased from a bread manufacturer to bread resellers, wholesale users or consumers, but does not include a bread reseller;
- 15 “bread manufacturer” means a person who carries on the business of manufacturing, preparing or baking bread for trade or sale or who, in carrying on any business, manufactures, prepares or bakes bread for consumption or use in the course of that business;
- 20 “bread reseller” means a person who sells bread by retail at his place of business;
- “certificate” means a certificate or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;
- 25 “inspector” means an inspector appointed under the Factories, Shops and Industries Act, 1962;
- “licence” means a licence or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;
- 30 “operative baker” means a person engaged in the mixing, making, moulding, weighing (except check weighing from a divider) or baking, by hand or machine, of dough for bread, or in the taking of dough pieces for bread to a prover or moulder, or in the
- 35 handing on or stripping of any ovens in connection with the baking of bread;

“regulations”

Bread.

“regulations” means regulations made under this Act;

“shop” means any building or place in which bread is sold or exposed or offered for sale by retail;

5 “the Commission” means the Industrial Commission of New South Wales;

“trade supplier” means a person carrying on the business of supplying trade supplies to bread manufacturers;

10 “trade supplies” means flour, yeast or any other ingredient or substance used in the manufacture, preparation or baking of bread, or any machine, implement or thing used in connection with the manufacture, preparation or baking of bread, or any service in respect of any such flour, yeast, ingredient, substance, machine, implement or thing;

15 “Under Secretary” means the Under Secretary of the Department of Labour and Industry or the person for the time being acting as Under Secretary of that department;

20 “weights and measures inspector” means an inspector appointed under the Weights and Measures Act, 1915.

(2) Any reference in this Act to the supply of any trade supplies shall be deemed to include a reference to the rendering of any service mentioned in the definition of “trade supplies” in subsection one of this section.

Bread.

PART II.

TIMES FOR BAKING AND DELIVERY OF BREAD.

5. (1) In this Part, except in so far as the context or Definitions. subject-matter otherwise indicates or requires—

- 5 “apprenticeship committee” means the apprenticeship committee established under the Apprentices Act, 1969, for the industry of the making or baking of bread, or for an industry which includes that industry;
- 10 “award” means an award under the Industrial Arbitration Act, 1940;
- 15 “distribution centre” means any building or premises to which bread is conveyed directly or indirectly from a bakehouse (whether the bakehouse is situated in or outside New South Wales) and from which bread is delivered to the premises of customers; and a reference to the distribution centre of a bread manufacturer is a reference to a distribution centre to which bread manufactured, prepared or baked by him is so conveyed and which is either occupied by him or under his management or control;
- 20 “employee” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940, but does not include an apprentice; and “employed” has a corresponding meaning;
- 25 “employer” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940;
- 30 “industrial agreement” means industrial agreement made and filed under the Industrial Arbitration Act, 1940, or an apprenticeship agreement made and filed under the Apprentices Act, 1969;
- “make or bake” does not include any operations connected with the preparation of dough for bread or the firing of ovens.

Bread.

(2) The following are areas for the purposes of this Part :—

- (a) the County of Cumberland;
- 5 (b) the County of Northumberland together with that part of the City of Newcastle which is outside the County of Northumberland;
- (c) the City of Greater Wollongong;
- (d) the County of Yancowinna;
- 10 (e) the whole of New South Wales other than the areas referred to in paragraphs (a), (b), (c) and (d) of this subsection.

6. (1) In this section, "industrial tribunal" means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940, for the industry or calling of operative bakers, or for any combination, arrangement or grouping of industries or callings which include that industry or calling. Times for making and baking of bread by employees and apprentices.

(2) An industrial tribunal shall from time to time, on application therefor made under and in accordance with the Industrial Arbitration Act, 1940, and whether or not section seven of this Act has commenced, fix by award starting and ceasing times for the making or baking of bread by male employees who are of or above the age of sixteen years and are operative bakers.

25 (3) An award referred to in subsection two of this section that is made before the commencement of section seven of this Act shall, in so far only as it fixes starting and ceasing times for the making or baking of bread by employees, be expressed to take effect on and from that commencement.

(4)

Bread.

(4) An industrial tribunal in fixing starting and ceasing times for the making or baking of bread by an award referred to in subsection two of this section—

- 5 (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread;
- (b) may make different provisions in respect of different areas, different days of the week and different weeks of the year;
- 10 (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area; and
- (d) may make special provisions applicable to—
 - 15 (i) a specified bakehouse, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet the exigencies of the trade carried on in that bakehouse;
 - 20 (ii) a specified locality defined in the award, being outside the County of Cumberland, the City of Newcastle and the City of Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial
 - 25 influx of tourists or other visitors into the locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

30 (5) Any special provisions made by an award pursuant to subparagraph (ii) of paragraph (d) of subsection four of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

(6)

Bread.

(6) An apprenticeship committee shall from time to time, on application therefor made under and in accordance with the Apprentices Act, 1969, fix by award starting and ceasing times for the making or baking of bread by apprentices in a specified bakehouse, locality or area which are uniform with the times fixed by industrial tribunals for the making or baking of bread by employees in that bakehouse, locality or area.

(7) Where an award or industrial agreement prescribes the payment of additional wages (other than overtime prescribed by the award or agreement as being payable for the performance of work in excess of a specified number of hours within a specified period) to employees or apprentices for the performance of work before or after a time or times specified by that award or agreement, those additional wages shall if the award or agreement so prescribes be regarded for the purposes of the Annual Holidays Act, 1944, or the Long Service Leave Act, 1955, as part of the ordinary pay of those employees or apprentices.

7. (1) The several Acts specified in Part II of Schedule One to this Act are hereby repealed.

Making or
baking of
bread at
certain
times pro-
hibited.

(2) The Factories, Shops and Industries Act, 1962, is amended in the manner specified opposite that Act in column 2 of Part II of Schedule Two to this Act.

(3) In this section—

“area” means an area as defined in subsection two of section five of this Act and in which an award, referred to in subsection two of section six of this Act, fixing starting and ceasing times for the making or baking of bread by employees is for the time being in force;

“prescribed

Bread.

“prescribed baking hours” means—

- 5 (a) in relation to a bakehouse in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection four of section six of this Act, is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that bakehouse and ending with the ceasing time so fixed ;
- 10 (b) in relation to a bakehouse situated in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph (not being a bakehouse referred to in paragraph (a) of this definition), is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that locality and ending with the ceasing time so fixed ; and
- 15 (c) in relation to a bakehouse, situated in an area (not being a bakehouse referred to in paragraph (a) or (b) of this definition)—the period commencing with the starting time fixed by an award made in accordance with subsection two of section six of this Act that is in force in that area and ending with the ceasing time so fixed.
- 20
- 25

- 30 (4) A bread manufacturer (whether an employer or not) or other person employed or engaged for hire or reward to do so who makes or bakes, for trade or sale, bread in a bakehouse otherwise than during the prescribed baking hours relating to that bakehouse is guilty of an offence against this Act.

- 35 8. (1) In this section, “industrial tribunal” means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940.

(2) Times for delivery of bread by employees.

Bread.

(2) An industrial tribunal in fixing, by award, starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers—

- 5 (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread;
- (b) may make different provisions in respect of different areas, different days of the week and different weeks
10 of the year;
- (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area; and
- (d) may make special provisions applicable to—
- 15 (i) the delivery of bread manufactured, prepared or baked in a specified bakehouse, situated in or outside New South Wales, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet
20 the exigencies of the trade carried on in that bakehouse;
- (ii) a specified locality defined in the award being outside the County of Cumberland, the City of Newcastle and the City of
25 Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial influx of tourists or other visitors into the
30 locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

(3) Any special provisions made by an award
35 pursuant to subparagraph (ii) of paragraph (d) of subsection two of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

Bread.

9. (1) In this section—

Delivery
of bread
at certain
times pro-
hibited.

“area” means an area as defined in subsection two of section five of this Act and in which an award, made before or after the commencement of this Act, fixing starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers, is for the time being in force;

“prescribed district” means—

- 10 (a) each area referred to in paragraph (a) or (b) of subsection two of section five of this Act; and
- 15 (b) any other district declared by the Governor, by order published in the Gazette, to be a prescribed district for the purposes of this section, and defined by the terms of the order.

(2) For the purposes of this section, a person delivers bread if for any purpose of, or in the course of, trade or sale—

- 20 (a) he delivers either by himself or by his employee or agent, bread by vehicle or other receptacle to a purchaser, other than his employer, whether the bread was manufactured, prepared or baked in or outside New South Wales;
- 25 (b) being a person employed or engaged in the delivery, by vehicle or other receptacle, of bread which he obtains from a bakehouse or distribution centre, he leaves that bakehouse or centre with bread to be so delivered to purchasers, other than his employer;
- 30 (c) being a bread manufacturer, he causes or permits a person employed or engaged in the delivery to purchasers, by vehicle or other receptacle, of bread obtained from a bakehouse or distribution centre of that manufacturer, to leave that bakehouse or centre with bread to be so delivered to purchasers, other than that person's employer; or
- 35

(d)

Bread.

(d) being a bread manufacturer having a bakehouse situated within a prescribed district, he removes or causes or permits bread to be removed from that bakehouse by any person or by any means whatsoever.

(3) The Minister may by order direct that, during a period specified in the order, the provisions of paragraph (d) of subsection two of this section shall not apply to such part of any prescribed district as is specified in the order and any such order shall, while it is in force, have effect accordingly.

(4) A bread manufacturer or bread distributor (whether or not that manufacturer or distributor is an employer) or other person employed or engaged for hire or reward in the manufacture or distribution of bread who—

(a) delivers bread in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of that bread and ending with the ceasing time so fixed;

(b) delivers bread (not being bread referred to in paragraph (a) of this subsection) in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of bread in that locality and ending with the ceasing time so fixed; or

(c) delivers bread (not being bread referred to in paragraph (a) of this subsection) in an area, but outside a locality referred to in paragraph (b) of this subsection, otherwise than during the period commencing with the starting time fixed by an award for the delivery by employees who are bread

carters

Bread.

carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers and in force in that area and ending with the ceasing time so fixed,

5 is guilty of an offence against this Act.

(5) An information laid in respect of an offence alleged to have been committed under this section shall be deemed to contain a sufficient description of the offence if it alleges that, on a day and at a place specified in the information, the person charged with the offence, being a person required to comply with this section, did deliver bread otherwise than during prescribed bread delivery hours but a person so charged is entitled to be supplied, at his request, by the informant with particulars of the offence alleged to have been committed.

10. (1) In this section, "industrial tribunal" means the Commission, or a conciliation committee established under the Industrial Arbitration Act, 1940, or an apprenticeship committee. ^{Saving of powers, etc.}

20 (2) Nothing in this Part shall—

(a) derogate from or affect any power or duty of an industrial tribunal to prescribe, by award, payments by way of overtime or penalty rates for any work done by employees or apprentices at times when they may lawfully be employed in such work, or be taken as an expression or indication of intention that any such payments should or should not be so prescribed;

(b) except to the extent of the provisions expressly made by sections six and eight of this Act, derogate from or affect any other power or duty which an industrial tribunal would have had if this Part had not been enacted; or

(c)

Bread.

- 5 (c) affect the liability of any person to a penalty under the Industrial Arbitration Act, 1940, or the Apprentices Act, 1969, for a contravention of, or failure to observe an award, but no person shall in respect of the same Act or omission be convicted of an offence under either of those Acts and under this Act.

- 10 11. (1) The Minister may in order to meet the exigencies of the trade carried on in a particular bakehouse by a bread manufacturer who is not an employer or to enable any such bread manufacturer to cater for the needs of tourists or other visitors in the locality in which his bakehouse is situated, and the Minister or the Under Secretary may in the case of any emergency or unforeseen circumstances, by order in writing
15 exempt any persons from the operation of all or any of the provisions of sections seven and nine of this Act for such period and subject to such conditions as the Minister or Under Secretary, as the case may be, may determine.

Exemptions and special provisions.
(cf. Act No. 40, 1946, s. 7.)

- 20 (2) A person who contravenes or fails to observe the conditions of an exemption granted to him under this section is guilty of an offence against this Act.

- 25 (3) A person shall not be liable to be convicted of a breach of an award, including an award under the Apprentices Act, 1969, or of an industrial agreement by reason only of anything done or omitted pursuant to an exemption granted to him under this section.

- 30 (4) The Industrial Arbitration Act, 1940, shall, in relation to an application for an award making the special provisions referred to in subparagraph (i) of paragraph (d) of subsection four of section six or subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, apply as though the words "not less than twenty" were omitted from paragraph (a) of subsection two of section seventy-four thereof.

PART

Bread.

PART III.

BREAD MANUFACTURERS' LICENCES AND OPERATIVE
BAKERS' CERTIFICATES.

12. (1) Any person who applies therefor is entitled to be issued with a licence to carry on in any premises the business of manufacturing, preparing or baking bread for trade or sale if the Under Secretary is satisfied that—

Bread
manufac-
turers'
licences.
(cf. Act
No. 17,
1950,
s. 9A.)

- (a) the applicant is a fit and proper person to hold a licence; and
- 10 (b) the premises and the equipment and facilities provided or to be provided in the premises are suitable for use in the manufacture, preparation or baking of bread.

(2) A person who carries on in any premises the business of bread manufacturer without being the holder of a licence in relation to those premises is guilty of an offence against this Act.

(3) An application for a licence shall be made to the Under Secretary, shall be in or to the effect of the prescribed form, shall specify the premises which the applicant proposes to use or, as the case may be, uses as a bakehouse or bakehouses and shall be accompanied by the prescribed fee.

(4) A licence shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.

(5) The Under Secretary may—

- 30 (a) grant any application for a licence either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and

(b)

Bread.

- 5 (b) during the currency of a licence, impose terms and conditions, vary the existing terms and conditions of the licence or impose terms and conditions additional to the existing terms and conditions of the licence.

(6) Any such term or condition may be made applicable to or in respect of all premises or to any one or more of the premises to which the application or, as the case may be, the licence relates.

- 10 (7) A person, being the holder of a licence, who contravenes or fails to comply with any term or condition of the licence is guilty of an offence against this Act.

(8) The Commission, on the application of the Under Secretary, may—

- 15 (a) cancel any licence or direct that the renewal of any licence be refused; or
(b) suspend any licence for such period as the Commission may determine,

20 in relation to all premises or any one or more of the premises to which the licence relates, if the Commission is satisfied that the person to whom the licence was issued—

- (c) has contravened or failed to comply with any term or condition of the licence;
(d) is not a fit and proper person to hold a licence; or
25 (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years of prescribed offences (whether of the same or different kinds).

30 (9) In subsection eight of this section “prescribed offences” means—

- (a) offences under any Act relating to public health;
(b) offences arising under section thirteen, fifteen or seventeen of this Act; and

Bread.

(c) offences arising under section four, five, eight or 9B of the Bread Manufacture and Delivery Act, 1950.

(10) Where a licence has been suspended under subsection eight of this section, the person to whom the licence was issued shall, during the period of suspension, be deemed not to be the holder of a licence in relation to the premises in relation to which the licence was suspended.

(11) The decision of the Commission on any application made under subsection eight of this section shall be final and shall be carried into effect by the Under Secretary.

(12) Nothing in this section affects the operation of the Factories, Shops and Industries Act, 1962.

13. (1) Any person who applies therefor is entitled to be issued with a certificate authorising him to act as an operative baker if the Under Secretary is satisfied that the applicant—

Operative
bakers'
certificates.
(cf. Act
No. 17,
1950, s.
9B.)

- (a) is a fit and proper person to hold a certificate; and
- (b) has completed the prescribed course of training and passed the prescribed examinations or possesses the prescribed qualifications which entitle him to the issue of a certificate or is otherwise qualified for the issue of a certificate.

(2) A person who acts as an operative baker in any bakehouse without being the holder of a certificate is guilty of an offence against this Act.

(3) An application for a certificate shall be made to the Under Secretary, shall be in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(4) A certificate shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.

(5)

Bread.

(5) The Under Secretary may—

- (a) grant any application for a certificate either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and
- 5 (b) during the currency of a certificate, impose terms and conditions, vary the existing terms and conditions of the certificate or impose terms and conditions additional to the existing terms and conditions of the certificate.

10 (6) A person, being the holder of a certificate, shall not contravene or fail to comply with any term or condition of the certificate.

Penalty : One hundred dollars.

15 (7) The Commission, on the application of the Under Secretary, may—

- (a) cancel any certificate or direct that the renewal of any certificate be refused; or
- (b) suspend any certificate for such period as the Commission may determine,
- 20 if the Commission is satisfied that the person to whom the certificate was issued—
 - (c) has contravened or failed to comply with any term or condition of the certificate;
 - (d) is not a fit and proper person to hold a certificate;
 - 25 or
 - (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years for offences (whether of the same or different kinds) against any Act relating to public health.
 - 30

(8) Where a certificate has been suspended under subsection seven of this section, the person to whom the certificate was issued shall, during the period of suspension, be deemed not to be the holder of a certificate.

(9)

Bread.

(9) The decision of the Commission on any application made under subsection seven of this section shall be final and shall be carried into effect by the Under Secretary.

(10) Subject to the provisions of subsection eleven of this section, a bread manufacturer who knowingly permits or suffers any person who is not the holder of a certificate to act as an operative baker in any bakehouse in respect of which the bread manufacturer holds a licence is guilty of an offence against this Act.

10 (11) This section does not apply to or in respect of an apprentice or probationer for apprenticeship acting as an operative baker under the direct personal control and supervision of the holder of a certificate.

14. (1) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Under Secretary—

Appeal to
Industrial
Commission.
(cf. Act No.
17, 1950,
s. 9c.)

- (a) refusing his application for a licence either generally or in relation to any premises or refusing his application for a certificate;
- 20 (b) granting his application for a licence, or his application for a certificate, subject to any term or condition; or
- (c) varying any term or condition of the licence or certificate held by him, or imposing any term or condition or any additional term or condition thereof,
- 25 may require the Under Secretary to state in writing the grounds for the decision with which the applicant or holder, as the case may be, is dissatisfied, and the Under Secretary shall forthwith furnish to the applicant or holder, as the case
- 30 may be, a statement of those grounds.

(2) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Under Secretary referred to in subsection one of this section may, in the manner prescribed, appeal to the Commission against that

35 decision.

(3)

Bread.

(3) The appeal shall be by way of rehearing and the decision of the Commission on the appeal shall be final, shall be deemed to be the decision of the Under Secretary and shall be carried into effect accordingly.

5

PART IV.

BREAD—DELIVERY, TRADE SUPPLIES AND STANDARDS.

15 **15.** (1) The Minister may by notice in writing given to a bread manufacturer require him to sell and deliver or cause to be delivered bread in accordance with the provisions of this section within such area as he may specify in the notice.

The Minister may require delivery of bread.
(cf. Act No. 17, 1950, ss. 4, 5.)

(2) Notwithstanding the terms of any contract, agreement or arrangement with any other bread manufacturer or person (whether made before or after the commencement of this Act), a bread manufacturer to whom any such notice has been given shall, if so required verbally or in writing by any person—

(a) sell to that person; and

(b) deliver or cause to be delivered at any place within the area specified in such notice,

20 bread in such reasonable quantities and at such reasonable intervals as may from time to time be stipulated in any usual and sufficient manner and on such terms and conditions as are usual in respect of bread so sold and delivered.

25 (3) A person who contravenes or fails to comply with the provisions of subsection two of this section is guilty of an offence against this Act.

(4) Nothing in this section operates to require a bread manufacturer to sell and deliver or cause to be delivered—

30 (a) bread to any person who upon tender of delivery fails to pay the lawful retail price for the bread upon demand;

(b)

Bread.

(b) bread at such a time that the delivery would constitute, or involve the commission of, an offence under Part II of this Act; or

5 (c) bread required by him for consumption in the course of his business.

(5) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

10 (6) In this section, "place" includes any house, shop, structure, building or any land or premises whatsoever, and any part of any such place which is separately occupied.

15 **16.** (1) The Minister may by notice in writing given to a trade supplier require him to supply to any bread manufacturer or any person proposing to commence business as a bread manufacturer named in the notice such trade supplies (being trade supplies in which the trade supplier ordinarily deals in the course of his business) as may be specified in the notice and in such quantities, at such times and intervals and subject to such terms and conditions as may be specified in the notice.

Trade suppliers to supply bread manufacturers with necessary trade supplies.
(cf. Act No. 17, 1950, s. 7.)

25 (2) The Minister may revoke any such notice or suspend any such notice for such period or periods as he may think fit or may from time to time vary any terms and conditions of such notice in such manner as he may determine.

30 (3) Notwithstanding the terms of any contract, agreement or arrangement with any other trade supplier, bread manufacturer or other person (whether made before or after the commencement of this Act), a trade supplier to whom any such notice has been given shall, if so required by the bread manufacturer or other person named in the notice supply to that bread manufacturer or other person trade supplies in accordance with the notice.

(4)

Bread.

(4) A person who contravenes or fails to comply with the provisions of subsection three of this section is guilty of an offence against this Act.

Penalty : Two thousand dollars or imprisonment for twelve 5 months.

(5) Nothing in this section operates to require a trade supplier to supply trade supplies to any bread manufacturer or other person who, after being required so to do by the trade supplier, refuses to pay cash on delivery for any 10 trade supplies supplied or required to be supplied to him.

(6) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

15 **17.** (1) Where the ingredients from which bread shall be made, the manner in which bread shall be made or processed or a standard or standards relating to the quality of bread have or has been prescribed, a person— Standard loaf.
(cf. Act No. 17, 1950, s. 8.)

20 (a) being a bread manufacturer, shall not manufacture, prepare or bake for trade or sale bread not made from the prescribed ingredients, or not processed in the prescribed manner, or which does not conform to the prescribed standard or standards as to quality; or

25 (b) shall not sell or expose for sale bread knowing that it has not been so made, or that it has not been so processed, or that it does not conform to that prescribed standard or those prescribed standards.

30 (2) A person who contravenes or fails to comply with the provisions of subsection one of this section is guilty of an offence against this Act.

(3)

Bread.

(3) The Minister shall not recommend the making of any regulation prescribing any matter for the purposes of subsection one of this section unless—

- 5 (a) he has appointed a committee consisting of representatives of the Department of Agriculture, the Department of Public Health, the Department of Labour and Industry and such other persons as the Minister may determine;
- 10 (b) that committee has considered the proposed regulation; and
- (c) the Minister has had regard to any recommendation of that committee with respect to the proposed regulation.

15 **18.** (1) A flour miller shall not sell or deliver flour to a Flour trade supplier, bread manufacturer or person proposing to miller to commence business as a bread manufacturer unless there is specify description of ingredients. conspicuously appended in the manner prescribed to every bag or other container in which the flour is sold or delivered (cf. Act No. 17, 1950, s. 9.) such specification setting out such description as may be prescribed relating to the protein and maltose content of the flour and such other description of the ingredients contained in the flour and such other particulars relating to the use of the flour in the manufacture of bread as may be prescribed.

25 (2) A person who contravenes or fails to comply with the provisions of this section is guilty of an offence against this Act.

PART V.**BREAD—WEIGHTS.**

30 **19.** (1) In this section, "bread" does not include bread Bread to be made in loaves of certain weight. (cf. Act No. 17, 1950, s. 17.)

(2)

Bread.

(2) All bread made or baked for trade or sale within the State shall be made into loaves weighing not less than one pound, two pounds and four pounds respectively.

(3) Notwithstanding anything contained in subsection two of this section the Governor may make regulations authorising, subject to such conditions, if any, as may be prescribed, bread made or baked for trade or sale within the State to be made into loaves of such denominations or sizes, in addition to those specified in subsection two of this section, as may be specified in the regulations.

(4) Without limiting the generality of subsection three of this section, the conditions that may be prescribed under that subsection may include conditions—

- (a) as to type or variety of the bread; or
- (b) requiring the affixing, by label or otherwise, to the loaves of bread, or the impressing or embossing on the loaves of bread during baking by means of the surface of the tin or other utensil in which the loaves are baked, of such particulars as to type, variety, denomination or size as may be prescribed and regulating the manner of that affixing, impressing or embossing.

(5) Regulations under subsection three of this section may prescribe denominations or sizes by reference to the total weight of the loaves, the weight of dry solids contained therein, or any other criteria prescribed by the regulations.

(6) A person who makes or bakes for trade or sale—

- (a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three, of this section;
- (b) bread in a loaf of any denomination or size prescribed under subsection three of this section without complying with the conditions, if any,

prescribed

Bread.

prescribed under that subsection in relation to the making or baking of bread of that denomination or size; or

- 5 (c) any loaf which is found deficient of its due weight when weighed by an inspector,

is guilty of an offence against this Act and liable for a first offence to a penalty not exceeding two hundred dollars, for a second offence to a penalty not exceeding four hundred dollars and for a third or subsequent offence to a penalty not
10 exceeding one thousand dollars.

(7) A person shall not sell or offer for sale—

- (a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three of this section;
- 15 (b) bread in a loaf of any denomination or size prescribed under subsection three of this section where the conditions, if any, prescribed under that subsection in relation to the making or baking of bread of that denomination or size have not been complied
20 with; or
- (c) any loaf which is found deficient of its due weight when weighed by an inspector.

Penalty : Twenty dollars.

- (8) Except where the due weight of the loaf is a
25 weight that has been prescribed under subsection three of this section by reference to the weight of dry solids contained in the loaf, it shall be a sufficient defence to any prosecution under this section for making or baking for trade or sale or selling or offering for sale any loaf which is found deficient
30 of its due weight when weighed by an inspector if the defendant proves that the loaf was not made or baked within the period of twenty-four hours of its being so weighed.

PART

Bread.

PART VI.

THE BREAD INDUSTRY ADVISORY COMMITTEE.

20. In this Part of this Act—

Definitions.

- 5 “Committee” means the Bread Industry Advisory Committee constituted under this Part of this Act;
“member” means member of the Committee.

21. (1) There shall be constituted a Bread Industry Advisory Committee which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Part of this Act.

Constitution of Bread Industry Advisory Committee.
(cf. Act No. 17, 1950, s. 9D.)

(2) The Committee shall, subject to subsection five of this section, consist of seven members to be appointed by the Governor.

15 (3) Of the members of the Committee—

- (a) one shall be the Under Secretary, who shall be chairman of the Committee;
(b) two shall be persons nominated by the Minister to be representative of employees engaged in the industry of the manufacturing and delivery of bread;
20 (c) two shall be persons nominated by the Minister to be representative of employers engaged in that industry; and
25 (d) two shall be persons nominated by the Minister to be representative of consumers of bread.

(4) If the Under Secretary is unable to attend any meeting of the Committee he may appoint an officer of his Department to attend and act for him at that meeting and for all purposes that officer when so acting shall be deemed to be the chairman of the Committee.

(5)

Bread.

(5) Upon being requested so to do by the chairman of the Committee, the Minister may appoint persons to attend meetings of the Committee for the purpose of considering any matter and a person so appointed shall while so attending
5 any meeting of the Committee be deemed for the purposes of this section and section twenty-two of this Act to be a member.

22. (1) Subject to this section the members, other than the chairman, shall hold office for a term of three years and shall be eligible for re-appointment from time to time upon
10 the expiration of their term of office.

Provisions
applicable to
Committee.

(2) A member, other than the chairman, shall be entitled to receive such remuneration or fees for his services and a member shall be entitled to receive such travelling expenses as may be fixed from time to time by the Governor.

15 (3) A member, other than the chairman, shall be deemed to have vacated his office if he—

(a) dies;

20 (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;

(c) is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

25 (d) resigns his office by writing under his hand addressed to the Governor; or

(e) is removed from office by the Governor.

(4) On the occurrence of a vacancy in the office of a member, the Governor may appoint to the vacant office a person to be representative of the same interests as his
30 predecessor and he shall, subject to this section, hold office for the remainder of his predecessor's term of office.

(5)

Bread.

(5) In the case of the illness or absence of a member other than the chairman, the Governor may appoint a deputy to act in the place of that member during his illness or absence.

(6) A deputy appointed under subsection five of this section while acting as a deputy may exercise and discharge all the powers, authorities, duties and functions of the member in whose place he acts.

(7) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Committee by or under this Part, the Committee may, with the approval of the Minister concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

15 (8) A majority (one of whom shall be the chairman) of the members (including, where the Committee is considering any matter in respect of which additional members have been appointed under subsection five of section twenty-one of this Act, those additional members) of the Committee
20 shall constitute a quorum for the purposes of any meeting of the Committee, and any duly convened meeting at which a quorum is present shall be capable of exercising and performing any of the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Act.

25 (9) At any meeting of the Committee at which a quorum is present the decision of the majority of the members present and voting at such meeting shall be the decision of the Committee.

(10) If at any meeting of the Committee the voting
30 on any matter is equal, the chairman shall have a second or casting vote.

(11) The Committee shall cause minutes of its proceedings and decisions at formal meetings to be kept.

(12)

Bread.

(12) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to this section and to any regulations in relation thereto, be as determined by the Committee.

5 (13) In subsections one, three, four and five of this section, "member" includes a person appointed under subsection five of section twenty-one of this Act.

23. (1) The Committee shall have power—

- 10 (a) to investigate and make recommendations to the Minister in respect of special measures necessary to improve methods of bread making and distribution and sanitary conditions in bakehouses; Functions of Committee. (cf. Act No. 17, 1950, s. 9E.)
- 15 (b) to recommend to the Minister standards of efficiency necessary for persons engaged in the manufacture of bread; and
- 20 (c) to consider and recommend to the Minister any amendment of existing legislation and proposals for future legislation which in its opinion are necessary and desirable in respect of any matters relating to the industry of bread manufacturing.

(2) The Committee shall, when so directed by the Minister, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to the industry of bread manufacturing which may be referred to the
25 Committee by the Minister.

PART

Bread.

PART VII.

GENERAL.

24. (1) An inspector shall have power—

(a) to enter and inspect—

5 (i) at any time by day or night any premises
of any bread manufacturer, bread distribu-
tor or bread reseller;

(ii) at any reasonable time by day or night any
premises of a trade supplier,

10 for the purpose of ascertaining whether the provi-
sions of this Act (other than Part V) and the
regulations (other than regulations made for the
purposes of that Part) are being complied with;

15 (b) to require the production of any licence or certifi-
cate or of any books, documents and papers refer-
ring to the manufacture, distribution, sale or
supply of bread or trade supplies and to examine,
make copies of or make extracts from them;

20 (c) to stop any person engaged in the distribution or
delivery of bread or trade supplies and search any
vehicle, basket or other means used in connection
therewith;

25 (d) to interrogate any bread manufacturer, bread distri-
butor, bread reseller or trade supplier and any of
his employees with respect to any matter coming
within the provisions of this Act (other than Part
V) or the regulations (other than regulations made
for the purposes of that Part);

30 (e) to seize and take any adulterated, impure or
unwholesome dough or ingredient in or upon any
premises referred to in paragraph (a) of this subsec-
tion which appears to be intended to be used for the
purpose of manufacture of bread; and

Powers of
inspectors
and weights
and mea-
sures
inspectors.
(cf. Act No.
40, 1946,
s. 10, and
Act No. 17,
1950, s. 18.)

(f)

Bread.

(f) to seize and take samples of any dough, bread, meal or flour in or upon any such premises.

(2) A weights and measures inspector shall have power—

5 (a) to enter and inspect at all reasonable hours by day or night any shop or any bakehouse for the purpose of ascertaining whether the provisions of Part V of this Act or the regulations made for the purposes of that Part are being complied with;

10 (b) to view, weigh and test all bread in any shop in which bread is sold or offered for sale or in any bakehouse;

(c) to stop any person engaged in the distribution or delivery of bread and search any vehicle, basket or
15 other means used in connection with such distribution or delivery;

(d) to interrogate any bread manufacturer or person carrying on the business of selling bread and any of their employees with respect to any matter coming
20 within the provisions of Part V of this Act or the regulations made for the purposes of that Part; and

(e) to seize and take samples of any bread in or upon a bakehouse or shop.

(3) A bread manufacturer, bread distributor and
25 bread reseller, his agents or servants, shall furnish the means required by an inspector or a weights and measures inspector for an entry, inspection, examination and inquiry, or the exercise of his powers under this Act or the regulations and if any bread manufacturer, bread distributor or bread reseller
30 or any agent or servant of any of them fails or refuses to do so, he is guilty of an offence against this Act.

(4) If the admission of an inspector or a weights and measures inspector into any premises in the exercise of his powers under this Act or the regulations is refused or unrea-
35 sonably delayed, the inspector or weights and measures inspector,

Bread.

inspector, as the case may be, if accompanied by a member of the police force, may enter the premises with such force and with such assistance as he may deem necessary.

(5) A person who wilfully delays or obstructs an
5 inspector or a weights and measures inspector in the exercise of any power conferred on him by this Act or the regulations, or who fails to comply with a requisition of an inspector made under any such power or to produce any books, documents or papers which he is required to produce, or who conceals or
10 prevents any person from appearing before or being examined by an inspector or a weights and measures inspector in the execution of his powers is guilty of an offence against this Act.

(6) Nothing in this section requires a person to answer any question incriminating himself.

15 (7) Every inspector and weights and measures inspector shall be furnished with an authority and on applying for admission to any premises, or exercising any powers conferred on him by this Act or the regulations, shall, if required, produce the authority to the occupier or person concerned.

20 (8) Any person who forges or counterfeits any such authority or makes use of any forged, counterfeited, or false authority, or personates an inspector or a weights and measures inspector named in any such authority, or falsely pretends to be an inspector or a weights and measures
25 inspector, is guilty of an offence against this Act.

25. (1) The Minister may, from time to time, by notice in writing given to a bread manufacturer require him to make such provision to enable an inspector or inspectors to enter and inspect all parts of such premises of the bread manu-
30 facturer at such time or times, or at all times during such period, as the Minister may in the notice specify.

Provision of means of entry for inspectors.
(cf. Act No. 40, 1946, s. 10 (1A).)

(2) If a bread manufacturer to whom a notice is given under subsection one of this section fails to comply with the requirements of the notice or if an inspector is

Bread.

unable, in accordance with the provision required to be made by a bread manufacturer in accordance with such a notice, to enter and inspect the premises referred to in the notice or any part of those premises, the bread manufacturer is guilty of an offence against this Act.

26. (1) Any justice of the peace upon complaint made on oath by an inspector that the inspector—

Entry
under
special
warrant.

10 (a) has reasonable cause to believe that premises referred to in the complaint are premises of a bread manufacturer; (cf. Act No. 40, 1946, s. 10A.)

15 (b) has been unable to enter the premises, or such part thereof as is specified in the complaint, in accordance with the provision required by a notice under subsection one of section twenty-five of this Act in respect of the premises, or by the means required to be furnished under subsection three of section twenty-four of this Act; and

20 (c) has reasonable cause to suspect that an offence against this Act is being committed in the premises, or in such part thereof as is so specified, as the case may be,

may, by special warrant under his hand, authorise an inspector to enter and inspect the premises or the part so specified.

25 (2) An inspector so authorised may at any time within twenty-four hours after the issue of the special warrant, if accompanied by a member of the police force, enter the premises or part thereof specified in the warrant with such force and with such assistance as he may deem necessary.

30 (3) Every special warrant shall be in the form contained in Schedule Three to this Act or to the like effect.

Bread.

27. (1) In this section—

(a) a reference to the bakehouse of a bread manufacturer is a reference—

Access to
bakehouses.
(cf. Act No.
40, 1946,
s. 10B.)

5 (i) where the whole of any premises is occupied or used by the bread manufacturer for or in connection with the manufacture, preparation or baking of bread or the distribution or sale of bread manufactured, prepared or baked on the premises, to those premises;

10 (ii) where only a part or parts of any premises is or are so occupied or used by the bread manufacturer, to that part or those parts of the premises;

15 (b) “public street” means street, road, lane, thoroughfare or footpath open to and used by the public.

(2) A person shall not in any premises carry on the business of a bread manufacturer—

20 (a) unless there is a direct means of communication by way of ingress and egress complying with subsection three of this section, between his bakehouse and a public street; or

(b) if there is a means of ingress to or egress from his bakehouse otherwise than to or from a public street.

25 (3) The means of communication between the bakehouse of a bread manufacturer and a public street, referred to in paragraph (a) of subsection two of this section, shall—

(a) be solely occupied by and be under the sole control of that person; and

30 (b) be such as to afford convenient and lawful access by inspectors to the whole of the bakehouse from the public street.

(4)

Bread.

(4) A person is, in respect of each day upon which he carries on a business contrary to the provisions of subsection two of this section, guilty of an offence against this Act.

5 (5) A bread manufacturer, and every person in charge or apparently in charge of the manufacture, preparation or baking of bread in a bakehouse of a bread manufacturer, shall, whenever required verbally or in writing by the Minister or by an inspector to give particulars of the
10 means of communication with the bakehouse of the bread manufacturer, give to the Minister or to the inspector, as the case may be, such full and truthful particulars of the means of communication as would enable an inspector to find the means of communication and enter the bakehouse thereby.

15 (6) The particulars referred to in subsection five of this section shall—

- (a) be furnished within such time as the Minister or inspector may specify or, if the Minister or inspector does not specify any time, be furnished forthwith;
20 and
- (b) if the Minister or inspector so requires, be furnished in writing and be accompanied by a plan of the premises showing the means of communication.

(7) Where any person fails to give particulars in
25 accordance with subsections five and six of this section in relation to the means of communication with a bakehouse of a bread manufacturer—

- (a) that person is guilty of an offence against this Act;
- 30 (b) all premises and all parts of premises adjacent to the bakehouse and used or apparently used for or in connection with the manufacture, preparation or baking of bread in the bakehouse or the distribution or sale of bread so manufactured, prepared or baked shall for the purposes of the exercise by any person
35 of any power conferred on him by section twenty-four or twenty-six of this Act be deemed to be
part

Bread.

part of the bakehouse and to be in the sole occupation and under the sole control of the bread manufacturer.

(8) Where a bread manufacturer has given particulars in accordance with subsections five and six of this section, he shall not at any time thereafter make any alteration in the means of communication with his bakehouse unless he has given the Minister at least seven days' notice of his intention to make the alteration and particulars thereof.

(9) A bread manufacturer who fails to comply with the provisions of subsection eight of this section is guilty of an offence against this Act.

28. (1) A notice authorised by this Act or the regulations to be given to or served on a person other than the Minister, the Under Secretary or a corporation shall be served— Service of notices, etc.

(a) by delivering the notice to that person personally

(b) by prepaying the postage and posting the notice as a letter addressed to that person at his last known place of abode or business or, if he is carrying on business at two or more places, at one of those places;

(c) by leaving the notice at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than sixteen years of age; or

(d) by leaving the notice at the last known place of business of that person or, if he is carrying on business at two or more places, at one of those places with some person apparently in the service of that person and apparently not less than sixteen years of age.

Bread.

(2) A notice authorised by this Act or the regulations to be given to or served on a person, being a corporation, shall be served—

5 (a) by prepaying the postage and posting the notice as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at two or more places, at one of those places; or

10 (b) by leaving the notice at that place, or at one of those places, with some person apparently in the service of the corporation and apparently not less than sixteen years of age.

(3) A notice that is authorised by this Act or the regulations to be given or made to or served on a bread manufacturer, and any summons to be served on a bread manufacturer in respect of any offence against this Act or the regulations, shall without prejudice to any other mode of service permitted by law be deemed to be duly served upon the bread manufacturer if the notice or summons is affixed to the door or some other conspicuous part of the premises of the bread manufacturer.

(4) A reference in this section to a notice includes a reference to any requirement authorised to be made by this Act or the regulations that is in writing.

25 **29.** (1) A person who commits an offence against this Act is, where no other penalty is provided, liable for a first offence to a penalty not exceeding one hundred dollars, for a second offence to a penalty not exceeding two hundred and fifty dollars, and for a third or subsequent offence to a penalty not exceeding five hundred dollars. Penalty.
(cf. Act No.
40, 1946,
s. 10c.)

(2) A person shall be liable under subsection one of this section to the penalty provided by that subsection for a second, third or subsequent offence, as the case may be, whether or not the information alleges or makes mention of a previous offence or offences.

(3)

Bread.

(3) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate is deemed to have committed the like offence and liable to the pecuniary penalty or imprisonment provided by this Act for that offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

(4) An offence committed by a person against the Bread Industry Act, 1946, or the Bread Manufacture and Delivery Act, 1950, shall, for the purposes of determining whether that person has committed a second, third or subsequent offence as referred to in subsection one of this section, be counted as an offence against this Act.

30. (1) In this section "offence" means—

- (a) an offence against this Act other than an offence arising under Part V of this Act or an offence arising under this Part that relates to the exercise of the powers of a weights and measures inspector; and
- (b) an offence against the regulations, other than regulations made for the purposes of Part V of this Act.

Proceed-
ings.

(cf. Act No.
17, 1950,
s. 13.)

(2) Proceedings for an offence may be taken by any person acting with the authority of the Minister.

(3) On a prosecution for an offence an authority to prosecute purporting to be signed by the Minister shall be evidence of the authority without proof of the Minister's signature or his appointment as Minister.

(4) All proceedings for offences may be disposed of summarily before a stipendiary magistrate or an industrial magistrate appointed under the Industrial Arbitration Act, 1940.

(5)

Bread.

(5) The provisions of the Industrial Arbitration Act, 1940, and the regulations thereunder, relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Commission shall apply, *mutatis mutandis*, to proceedings for offences before a stipendiary magistrate or an industrial magistrate.

(6) In any proceedings for an offence a statement purporting to be signed by the Under Secretary—

- 10 (a) that any person was on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate and as to the terms and conditions, if any, of the licence or certificate;
- 15 (b) that any person was not on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate; or
- 20 (c) that on any date or during any period mentioned in the statement the licence or certificate of any person was suspended,

shall be evidence of the matters contained in the statement without proof of the signature or of the official character of the person appearing to have signed it.

25 **31.** All proceedings for offences against this Act arising under Part V of this Act, offences against this Act arising under this Part that relate to the exercise of the powers of a weights and measures inspector or offences against the regulations made for the purpose of Part V of this Act shall be
Proceedings for offences against Part V. (cf. Act No. 17, 1950, s. 19.)
 30 disposed of summarily before any two justices in petty sessions.

32. (1) The Governor may make regulations not inconsistent with this Act for or with respect to— Regulations.

- (a) prescribing the form of accounts to be kept by bread manufacturers and trade suppliers;

(b)

Bread.

- (b) prescribing the standard or standards to be maintained by bread manufacturers in respect of ingredients used in the manufacture of doughs and the making or baking of bread;
- 5 (c) prescribing the forms of applications for licences and certificates and for renewals of licences and certificates and the forms of licences and certificates;
- 10 (d) requiring holders of licences to keep records and registers as prescribed;
- (e) requiring licences and other prescribed documents to be exhibited and regulating the manner of exhibition;
- 15 (f) prescribing the fees to be paid on applications for licences and certificates;
- (g) prescribing the course of training to be completed and the examinations to be passed by applicants for certificates and the qualifications the possession of which shall entitle a person to the issue of a certificate;
- 20 (h) the holding and conduct of examinations for certificates;
- (i) providing for the establishment of a Bakers Examination Board and the powers, authorities, duties and functions of that Board;
- 25 (j) prescribing the fees to be paid for examinations for certificates;
- (k) any matter the subject of a recommendation made by the Bread Industry Advisory Committee under paragraphs (a) and (b) of subsection one of section twenty-four of this Act in so far as regulations are necessary to give effect to the recommendation and provision with respect to that matter is not made under any other Act or regulations made thereunder;
- 30
- 35

(1)

Bread.

- (1) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- 5 (2) The regulations made impose a penalty not exceeding forty dollars for any breach thereof.

SCHEDULES.

SCHEDULE ONE.

Secs. 3 (1),
7 (1).

REPEAL OF ACTS.

10 Year and number of Act.	Short title of Act.
PART I	
15 1950 No. 17	Bread Manufacture and Delivery Act, 1950.
1953 No. 40	Bread Manufacture and Delivery (Amendment) Act, 1953.
PART II	
1946 No. 40	Bread Industry Act, 1946.
1958 No. 8	Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
20 1964 No. 56	Bread Industry (Amendment) Act, 1964.

SCHEDULE

Bread.

SCHEDULE TWO.

Secs. 3 (2),
7 (2).

AMENDMENT OF ACTS.

Column 1		Column 2
5	Year and number of Act.	Short title of Act.
		Amendment.
	PART I	
10	1958 No. 8	Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
	1962 No. 43	Factories, Shops and Industries Act, 1962.
	PART II	
15	1962 No. 43	Factories, Shops and Industries Act, 1962.
20		Section 74(1)—omit the definition of "Bread"; omit from the definition of "Make or bake" the words "bread or" wherever occurring.
		Section 95—omit the section.
		Section 96—omit the words "baker or"; omit the words "bread or" wherever occurring.
25		Section 97—omit the words "baker or".
		Section 100—omit the words "baker or" wherever occurring; omit subsection (5) and insert in lieu thereof the following subsection:
30		(5) This section does not apply to or in respect of any premises in respect of which an inspector may exercise any powers under Part VII of the Bread Act, 1969.
35		Schedule One—omit so much of the Schedule as relates to the repeal of Part IV in section 2, and of Part IV, of the Bread Industry Act, 1946; omit so much of the Schedule as relates to the repeal of section 1(4) and section 4 of the Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
40		

SCHEDULE

Bread.

SCHEDULE THREE.

Sec. 26 (3).

BREAD ACT, 1969.

Special Warrant to Enter Premises of a Bread Manufacturer.

WHEREAS it appears to me, , a justice of the
5 peace in and for the State of New South Wales, by the complaint
on oath by A.B. that A.B., an inspector under the Bread Act,
1969,—

- (a) has reasonable cause to believe that premises referred to
in the complaint are premises of a bread manufacturer;
- 10 (b) has been unable to enter the premises, or such part thereof
as is specified in the complaint, by the means required to
be furnished under subsection three of section twenty-four
of the Bread Act, 1969, or in accordance with the provision
required by a notice under subsection one of section
15 twenty-five of that Act in respect of the premises; and
- (c) has reasonable cause to suspect that an offence against the
Bread Act, 1969, is being committed in the premises, or
in such part thereof so specified, as the case may be,

I do hereby authorise the said inspector, if accompanied by a
20 member of the police force, to enter and inspect premises (or such
part thereof as may be specified herein) situate at ,
with such force and with such assistance as he may deem necessary
at any time within twenty-four hours of the issue hereof.

Given under my hand and seal at in the State
25 of New South Wales, this day of , in the year of
Our Lord one thousand nine hundred and at

o'clock in the forenoon.
afternoon.

30 A Justice of the Peace.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
for Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 14 October, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 54, 1969.

An Act to make provisions in respect of times for the baking and delivery of bread, the licensing of bread manufacturers, the certification of operative bakers, standard denominations or sizes of bread loaves, and certain other matters relating to the bread industry; to constitute a Bread Industry Advisory Committee; to amend the Factories, Shops and Industries Act, 1962; to repeal the Bread Industry Act, 1946, the Bread Manufacture and Delivery Act, 1950, and certain other enactments; and for purposes connected therewith. [Assented to, 17th October, 1969.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Bread.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Bread Act, 1969".

(2) This Act, except this section and section seven shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, which day is in this Act referred to as the commencement of this Act.

(3) This section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.

(4) Section seven of this Act shall commence—

- (a) upon a day, being later than the day appointed under subsection two of this section, to be appointed by the Governor and notified by proclamation published in the Gazette; or
- (b) upon the anniversary of the commencement of this Act,

whichever first occurs.

Division
of Act.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—TIMES FOR BAKING AND DELIVERY OF BREAD—ss. 5-11.

PART III.—BREAD MANUFACTURERS' LICENCES AND OPERATIVE BAKERS' CERTIFICATES—ss. 12-14.

PART

Bread.

PART IV.—BREAD—DELIVERY, TRADE SUPPLIES AND STANDARDS—ss. 15–18.

PART V.—BREAD—WEIGHTS—s. 19.

PART VI.—THE BREAD INDUSTRY ADVISORY COMMITTEE—ss. 20–23.

PART VII.—GENERAL—ss. 24–32.

SCHEDULES.

3. (1) The several Acts specified in Part I of Schedule One to this Act are hereby repealed. Repeals, amendments and savings.

(2) Each Act specified in column 1 of Part I of Schedule Two to this Act is amended in the manner specified opposite that Act in column 2 of that Part of that Schedule.

(3) All notices, requisitions, licences, certificates and regulations given, granted, issued or made under any provisions other than sections four, five and six of the Bread Manufacture and Delivery Act, 1950, and being in force at the commencement of this Act shall be and continue in force hereunder, and shall be deemed to have been given, granted, issued or made, as the case may be, under this Act.

(4) All applications made under any provisions of the Bread Manufacture and Delivery Act, 1950, and not dealt with at the commencement of this Act, may be dealt with and determined under this Act.

(5) Nothing in this section shall be construed as extending the term for which any licence, certificate, renewal of licence or renewal of certificate was granted or issued under any enactment hereby repealed.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“apprentice” means apprentice within the meaning of the Apprentices Act, 1969;

“bakehouse”

Bread.

“bakehouse” means any building or place in which any bread is manufactured, prepared or baked for trade or sale, and any place or room used in connection with any such building or place for storing bread when manufactured, prepared or baked for trade or sale or any material to be used in the manufacture, preparation or baking of bread for trade or sale;

“bread” includes bread rolls;

“bread distributor” means a person who sells bread purchased from a bread manufacturer to bread resellers, wholesale users or consumers, but does not include a bread reseller;

“bread manufacturer” means a person who carries on the business of manufacturing, preparing or baking bread for trade or sale or who, in carrying on any business, manufactures, prepares or bakes bread for consumption or use in the course of that business;

“bread reseller” means a person who sells bread by retail at his place of business;

“certificate” means a certificate or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;

“inspector” means an inspector appointed under the Factories, Shops and Industries Act, 1962;

“licence” means a licence or any renewal thereof issued or deemed to have been issued pursuant to Part III of this Act;

“operative baker” means a person engaged in the mixing, making, moulding, weighing (except check weighing from a divider) or baking, by hand or machine, of dough for bread, or in the taking of dough pieces for bread to a prover or moulder, or in the handing on or stripping of any ovens in connection with the baking of bread;

“regulations”

Bread.

- “regulations” means regulations made under this Act;
- “shop” means any building or place in which bread is sold or exposed or offered for sale by retail;
- “the Commission” means the Industrial Commission of New South Wales;
- “trade supplier” means a person carrying on the business of supplying trade supplies to bread manufacturers;
- “trade supplies” means flour, yeast or any other ingredient or substance used in the manufacture, preparation or baking of bread, or any machine, implement or thing used in connection with the manufacture, preparation or baking of bread, or any service in respect of any such flour, yeast, ingredient, substance, machine, implement or thing;
- “Under Secretary” means the Under Secretary of the Department of Labour and Industry or the person for the time being acting as Under Secretary of that department;
- “weights and measures inspector” means an inspector appointed under the Weights and Measures Act, 1915.

(2) Any reference in this Act to the supply of any trade supplies shall be deemed to include a reference to the rendering of any service mentioned in the definition of “trade supplies” in subsection one of this section.

Bread.

PART II.

TIMES FOR BAKING AND DELIVERY OF BREAD.

Definitions. **5.** (1) In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“apprenticeship committee” means the apprenticeship committee established under the Apprentices Act, 1969, for the industry of the making or baking of bread, or for an industry which includes that industry;

“award” means an award under the Industrial Arbitration Act, 1940;

“distribution centre” means any building or premises to which bread is conveyed directly or indirectly from a bakehouse (whether the bakehouse is situated in or outside New South Wales) and from which bread is delivered to the premises of customers; and a reference to the distribution centre of a bread manufacturer is a reference to a distribution centre to which bread manufactured, prepared or baked by him is so conveyed and which is either occupied by him or under his management or control;

“employee” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940, but does not include an apprentice; and “employed” has a corresponding meaning;

“employer” has the meaning ascribed thereto in the Industrial Arbitration Act, 1940;

“industrial agreement” means industrial agreement made and filed under the Industrial Arbitration Act, 1940, or an apprenticeship agreement made and filed under the Apprentices Act, 1969;

“make or bake” does not include any operations connected with the preparation of dough for bread or the firing of ovens.

(2)

Bread.

(2) The following are areas for the purposes of this Part :—

- (a) the County of Cumberland;
- (b) the County of Northumberland together with that part of the City of Newcastle which is outside the County of Northumberland;
- (c) the City of Greater Wollongong;
- (d) the County of Yancowinna;
- (e) the whole of New South Wales other than the areas referred to in paragraphs (a), (b), (c) and (d) of this subsection.

6. (1) In this section, "industrial tribunal" means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940, for the industry or calling of operative bakers, or for any combination, arrangement or grouping of industries or callings which include that industry or calling. Times for making and baking of bread by employees and apprentices.

(2) An industrial tribunal shall from time to time, on application therefor made under and in accordance with the Industrial Arbitration Act, 1940, and whether or not section seven of this Act has commenced, fix by award starting and ceasing times for the making or baking of bread by male employees who are of or above the age of sixteen years and are operative bakers.

(3) An award referred to in subsection two of this section that is made before the commencement of section seven of this Act shall, in so far only as it fixes starting and ceasing times for the making or baking of bread by employees, be expressed to take effect on and from that commencement.

(4)

Bread.

(4) An industrial tribunal in fixing starting and ceasing times for the making or baking of bread by an award referred to in subsection two of this section—

- (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread;
- (b) may make different provisions in respect of different areas, different days of the week and different weeks of the year;
- (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area; and
- (d) may make special provisions applicable to—
 - (i) a specified bakehouse, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet the exigencies of the trade carried on in that bakehouse;
 - (ii) a specified locality defined in the award, being outside the County of Cumberland, the City of Newcastle and the City of Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial influx of tourists or other visitors into the locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

(5) Any special provisions made by an award pursuant to subparagraph (ii) of paragraph (d) of subsection four of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

(6)

Bread.

(6) An apprenticeship committee shall from time to time, on application therefor made under and in accordance with the Apprentices Act, 1969, fix by award starting and ceasing times for the making or baking of bread by apprentices in a specified bakehouse, locality or area which are uniform with the times fixed by industrial tribunals for the making or baking of bread by employees in that bakehouse, locality or area.

(7) Where an award or industrial agreement prescribes the payment of additional wages (other than overtime prescribed by the award or agreement as being payable for the performance of work in excess of a specified number of hours within a specified period) to employees or apprentices for the performance of work before or after a time or times specified by that award or agreement, those additional wages shall if the award or agreement so prescribes be regarded for the purposes of the Annual Holidays Act, 1944, or the Long Service Leave Act, 1955, as part of the ordinary pay of those employees or apprentices.

7. (1) The several Acts specified in Part II of Schedule One to this Act are hereby repealed.

Making or
baking of
bread at
certain
times pro-
hibited.

(2) The Factories, Shops and Industries Act, 1962, is amended in the manner specified opposite that Act in column 2 of Part II of Schedule Two to this Act.

(3) In this section—

“area” means an area as defined in subsection two of section five of this Act and in which an award, referred to in subsection two of section six of this Act, fixing starting and ceasing times for the making or baking of bread by employees is for the time being in force;

“prescribed

Bread.

“prescribed baking hours” means—

- (a) in relation to a bakehouse in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection four of section six of this Act, is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that bakehouse and ending with the ceasing time so fixed;
- (b) in relation to a bakehouse situated in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph (not being a bakehouse referred to in paragraph (a) of this definition), is in force—the period commencing with the starting time fixed under that subparagraph for the making or baking of bread in that locality and ending with the ceasing time so fixed; and
- (c) in relation to a bakehouse, situated in an area (not being a bakehouse referred to in paragraph (a) or (b) of this definition)—the period commencing with the starting time fixed by an award made in accordance with subsection two of section six of this Act that is in force in that area and ending with the ceasing time so fixed.

(4) A bread manufacturer (whether an employer or not) or other person employed or engaged for hire or reward to do so who makes or bakes, for trade or sale, bread in a bakehouse otherwise than during the prescribed baking hours relating to that bakehouse is guilty of an offence against this Act.

Times for
delivery
of bread
by em-
ployees.

8. (1) In this section, “industrial tribunal” means the Commission or a conciliation committee established under the Industrial Arbitration Act, 1940.

(2)

Bread.

(2) An industrial tribunal in fixing, by award, starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers—

- (a) shall have regard to the interests of the public and of persons engaged in the industry of the manufacture and distribution of bread;
- (b) may make different provisions in respect of different areas, different days of the week and different weeks of the year;
- (c) shall, except as provided by paragraph (d) of this subsection, make provisions that apply uniformly in respect of the whole of an area; and
- (d) may make special provisions applicable to—
 - (i) the delivery of bread manufactured, prepared or baked in a specified bakehouse, situated in or outside New South Wales, if the tribunal is satisfied that those provisions are necessary or desirable in order to meet the exigencies of the trade carried on in that bakehouse;
 - (ii) a specified locality defined in the award being outside the County of Cumberland, the City of Newcastle and the City of Greater Wollongong, if the tribunal is satisfied that during the period or periods for which the provisions are expressed to be applicable there is likely to be a substantial influx of tourists or other visitors into the locality and that the provisions are necessary or desirable in order that the reasonable requirements of those tourists or other visitors may be met.

(3) Any special provisions made by an award pursuant to subparagraph (ii) of paragraph (d) of subsection two of this section shall be expressed to be in force during a period or periods, not exceeding fifteen weeks in any year, to be specified in the award.

Bread.

Delivery
of bread
at certain
times pro-
hibited.

9. (1) In this section—

“area” means an area as defined in subsection two of section five of this Act and in which an award, made before or after the commencement of this Act, fixing starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers, is for the time being in force;

“prescribed district” means—

- (a) each area referred to in paragraph (a) or (b) of subsection two of section five of this Act; and
- (b) any other district declared by the Governor, by order published in the Gazette, to be a prescribed district for the purposes of this section, and defined by the terms of the order.

(2) For the purposes of this section, a person delivers bread if for any purpose of, or in the course of, trade or sale—

- (a) he delivers either by himself or by his employee or agent, bread by vehicle or other receptacle to a purchaser, other than his employer, whether the bread was manufactured, prepared or baked in or outside New South Wales;
- (b) being a person employed or engaged in the delivery, by vehicle or other receptacle, of bread which he obtains from a bakehouse or distribution centre, he leaves that bakehouse or centre with bread to be so delivered to purchasers, other than his employer;
- (c) being a bread manufacturer, he causes or permits a person employed or engaged in the delivery to purchasers, by vehicle or other receptacle, of bread obtained from a bakehouse or distribution centre of that manufacturer, to leave that bakehouse or centre with bread to be so delivered to purchasers, other than that person's employer; or

(d)

Bread.

- (d) being a bread manufacturer having a bakehouse situated within a prescribed district, he removes or causes or permits bread to be removed from that bakehouse by any person or by any means whatsoever.

(3) The Minister may by order direct that, during a period specified in the order, the provisions of paragraph (d) of subsection two of this section shall not apply to such part of any prescribed district as is specified in the order and any such order shall, while it is in force, have effect accordingly.

(4) A bread manufacturer or bread distributor (whether or not that manufacturer or distributor is an employer) or other person employed or engaged for hire or reward in the manufacture or distribution of bread who—

- (a) delivers bread in respect of which an award containing special provisions, referred to in subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of that bread and ending with the ceasing time so fixed;
- (b) delivers bread (not being bread referred to in paragraph (a) of this subsection) in a locality in respect of which an award containing special provisions, referred to in subparagraph (ii) of that paragraph is in force, otherwise than during the period commencing with the starting time fixed under that subparagraph for the delivery of bread in that locality and ending with the ceasing time so fixed; or
- (c) delivers bread (not being bread referred to in paragraph (a) of this subsection) in an area, but outside a locality referred to in paragraph (b) of this subsection, otherwise than during the period commencing with the starting time fixed by an award for the delivery by employees who are bread

carters

Bread.

carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers and in force in that area and ending with the ceasing time so fixed,

is guilty of an offence against this Act.

(5) An information laid in respect of an offence alleged to have been committed under this section shall be deemed to contain a sufficient description of the offence if it alleges that, on a day and at a place specified in the information, the person charged with the offence, being a person required to comply with this section, did deliver bread otherwise than during prescribed bread delivery hours but a person so charged is entitled to be supplied, at his request, by the informant with particulars of the offence alleged to have been committed.

Saving of
powers,
etc.

10. (1) In this section, "industrial tribunal" means the Commission, or a conciliation committee established under the Industrial Arbitration Act, 1940, or an apprenticeship committee.

(2) Nothing in this Part shall—

- (a) derogate from or affect any power or duty of an industrial tribunal to prescribe, by award, payments by way of overtime or penalty rates for any work done by employees or apprentices at times when they may lawfully be employed in such work, or be taken as an expression or indication of intention that any such payments should or should not be so prescribed;
- (b) except to the extent of the provisions expressly made by sections six and eight of this Act, derogate from or affect any other power or duty which an industrial tribunal would have had if this Part had not been enacted; or

(c)

Bread.

- (c) affect the liability of any person to a penalty under the Industrial Arbitration Act, 1940, or the Apprentices Act, 1969, for a contravention of, or failure to observe an award, but no person shall in respect of the same Act or omission be convicted of an offence under either of those Acts and under this Act.

11. (1) The Minister may in order to meet the exigencies of the trade carried on in a particular bakehouse by a bread manufacturer who is not an employer or to enable any such bread manufacturer to cater for the needs of tourists or other visitors in the locality in which his bakehouse is situated, and the Minister or the Under Secretary may in the case of any emergency or unforeseen circumstances, by order in writing exempt any persons from the operation of all or any of the provisions of sections seven and nine of this Act for such period and subject to such conditions as the Minister or Under Secretary, as the case may be, may determine.

Exemptions and special provisions.
(cf. Act No. 40, 1946, s. 7.)

(2) A person who contravenes or fails to observe the conditions of an exemption granted to him under this section is guilty of an offence against this Act.

(3) A person shall not be liable to be convicted of a breach of an award, including an award under the Apprentices Act, 1969, or of an industrial agreement by reason only of anything done or omitted pursuant to an exemption granted to him under this section.

(4) The Industrial Arbitration Act, 1940, shall, in relation to an application for an award making the special provisions referred to in subparagraph (i) of paragraph (d) of subsection four of section six or subparagraph (i) of paragraph (d) of subsection two of section eight of this Act, apply as though the words "not less than twenty" were omitted from paragraph (a) of subsection two of section seventy-four thereof.

PART

Bread.

PART III.

BREAD MANUFACTURERS' LICENCES AND OPERATIVE
BAKERS' CERTIFICATES.

Bread
manufac-
turers'
licences.
(cf. Act
No. 17,
1950,
s. 9A.)

12. (1) Any person who applies therefor is entitled to be issued with a licence to carry on in any premises the business of manufacturing, preparing or baking bread for trade or sale if the Under Secretary is satisfied that—

- (a) the applicant is a fit and proper person to hold a licence; and
- (b) the premises and the equipment and facilities provided or to be provided in the premises are suitable for use in the manufacture, preparation or baking of bread.

(2) A person who carries on in any premises the business of bread manufacturer without being the holder of a licence in relation to those premises is guilty of an offence against this Act.

(3) An application for a licence shall be made to the Under Secretary, shall be in or to the effect of the prescribed form, shall specify the premises which the applicant proposes to use or, as the case may be, uses as a bakehouse or bakehouses and shall be accompanied by the prescribed fee.

(4) A licence shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.

(5) The Under Secretary may—

- (a) grant any application for a licence either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and

(b)

Bread.

- (b) during the currency of a licence, impose terms and conditions, vary the existing terms and conditions of the licence or impose terms and conditions additional to the existing terms and conditions of the licence.

(6) Any such term or condition may be made applicable to or in respect of all premises or to any one or more of the premises to which the application or, as the case may be, the licence relates.

(7) A person, being the holder of a licence, who contravenes or fails to comply with any term or condition of the licence is guilty of an offence against this Act.

(8) The Commission, on the application of the Under Secretary, may—

- (a) cancel any licence or direct that the renewal of any licence be refused; or
- (b) suspend any licence for such period as the Commission may determine,

in relation to all premises or any one or more of the premises to which the licence relates, if the Commission is satisfied that the person to whom the licence was issued—

- (c) has contravened or failed to comply with any term or condition of the licence;
- (d) is not a fit and proper person to hold a licence; or
- (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years of prescribed offences (whether of the same or different kinds).

(9) In subsection eight of this section “prescribed offences” means—

- (a) offences under any Act relating to public health;
- (b) offences arising under section thirteen, fifteen or seventeen of this Act; and

(c)

Bread.

- (c) offences arising under section four, five, eight or 9B of the Bread Manufacture and Delivery Act, 1950.

(10) Where a licence has been suspended under subsection eight of this section, the person to whom the licence was issued shall, during the period of suspension, be deemed not to be the holder of a licence in relation to the premises in relation to which the licence was suspended.

(11) The decision of the Commission on any application made under subsection eight of this section shall be final and shall be carried into effect by the Under Secretary.

(12) Nothing in this section affects the operation of the Factories, Shops and Industries Act, 1962.

Operative
bakers'
certificates.
(cf. Act
No. 17,
1950, s.
9B.)

13. (1) Any person who applies therefor is entitled to be issued with a certificate authorising him to act as an operative baker if the Under Secretary is satisfied that the applicant—

- (a) is a fit and proper person to hold a certificate; and
- (b) has completed the prescribed course of training and passed the prescribed examinations or possesses the prescribed qualifications which entitle him to the issue of a certificate or is otherwise qualified for the issue of a certificate.

(2) A person who acts as an operative baker in any bakehouse without being the holder of a certificate is guilty of an offence against this Act.

(3) An application for a certificate shall be made to the Under Secretary, shall be in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(4) A certificate shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.

(5)

Bread.

(5) The Under Secretary may—

- (a) grant any application for a certificate either unconditionally or subject to such terms and conditions as the Under Secretary may impose; and
- (b) during the currency of a certificate, impose terms and conditions, vary the existing terms and conditions of the certificate or impose terms and conditions additional to the existing terms and conditions of the certificate.

(6) A person, being the holder of a certificate, shall not contravene or fail to comply with any term or condition of the certificate.

Penalty : One hundred dollars.

(7) The Commission, on the application of the Under Secretary, may—

- (a) cancel any certificate or direct that the renewal of any certificate be refused; or
- (b) suspend any certificate for such period as the Commission may determine,

if the Commission is satisfied that the person to whom the certificate was issued—

- (c) has contravened or failed to comply with any term or condition of the certificate;
- (d) is not a fit and proper person to hold a certificate; or
- (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years for offences (whether of the same or different kinds) against any Act relating to public health.

(8) Where a certificate has been suspended under subsection seven of this section, the person to whom the certificate was issued shall, during the period of suspension, be deemed not to be the holder of a certificate.

(9)

Bread.

(9) The decision of the Commission on any application made under subsection seven of this section shall be final and shall be carried into effect by the Under Secretary.

(10) Subject to the provisions of subsection eleven of this section, a bread manufacturer who knowingly permits or suffers any person who is not the holder of a certificate to act as an operative baker in any bakehouse in respect of which the bread manufacturer holds a licence is guilty of an offence against this Act.

(11) This section does not apply to or in respect of an apprentice or probationer for apprenticeship acting as an operative baker under the direct personal control and supervision of the holder of a certificate.

Appeal to
Industrial
Commission.
(cf. Act No.
17, 1950,
s. 9c.)

14. (1) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Under Secretary—

- (a) refusing his application for a licence either generally or in relation to any premises or refusing his application for a certificate;
 - (b) granting his application for a licence, or his application for a certificate, subject to any term or condition; or
 - (c) varying any term or condition of the licence or certificate held by him, or imposing any term or condition or any additional term or condition thereof,
- may require the Under Secretary to state in writing the grounds for the decision with which the applicant or holder, as the case may be, is dissatisfied, and the Under Secretary shall forthwith furnish to the applicant or holder, as the case may be, a statement of those grounds.

(2) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Under Secretary referred to in subsection one of this section may, in the manner prescribed, appeal to the Commission against that decision.

(3)

Bread.

(3) The appeal shall be by way of rehearing and the decision of the Commission on the appeal shall be final, shall be deemed to be the decision of the Under Secretary and shall be carried into effect accordingly.

PART IV.

BREAD—DELIVERY, TRADE SUPPLIES AND STANDARDS.

15. (1) The Minister may by notice in writing given to a bread manufacturer require him to sell and deliver or cause to be delivered bread in accordance with the provisions of this section within such area as he may specify in the notice.

The Minister may require delivery of bread.
(cf. Act No. 17, 1950, ss. 4, 5.)

(2) Notwithstanding the terms of any contract, agreement or arrangement with any other bread manufacturer or person (whether made before or after the commencement of this Act), a bread manufacturer to whom any such notice has been given shall, if so required verbally or in writing by any person—

- (a) sell to that person; and
- (b) deliver or cause to be delivered at any place within the area specified in such notice,

bread in such reasonable quantities and at such reasonable intervals as may from time to time be stipulated in any usual and sufficient manner and on such terms and conditions as are usual in respect of bread so sold and delivered.

(3) A person who contravenes or fails to comply with the provisions of subsection two of this section is guilty of an offence against this Act.

(4) Nothing in this section operates to require a bread manufacturer to sell and deliver or cause to be delivered—

- (a) bread to any person who upon tender of delivery fails to pay the lawful retail price for the bread upon demand;

(b)

Bread.

- (b) bread at such a time that the delivery would constitute, or involve the commission of, an offence under Part II of this Act; or
- (c) bread required by him for consumption in the course of his business.

(5) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

(6) In this section, "place" includes any house, shop, structure, building or any land or premises whatsoever, and any part of any such place which is separately occupied.

Trade
suppliers
to supply
bread
manufac-
turers
with
necessary
trade
supplies.

(cf. Act No.
17, 1950,
s. 7.)

16. (1) The Minister may by notice in writing given to a trade supplier require him to supply to any bread manufacturer or any person proposing to commence business as a bread manufacturer named in the notice such trade supplies (being trade supplies in which the trade supplier ordinarily deals in the course of his business) as may be specified in the notice and in such quantities, at such times and intervals and subject to such terms and conditions as may be specified in the notice.

(2) The Minister may revoke any such notice or suspend any such notice for such period or periods as he may think fit or may from time to time vary any terms and conditions of such notice in such manner as he may determine.

(3) Notwithstanding the terms of any contract, agreement or arrangement with any other trade supplier, bread manufacturer or other person (whether made before or after the commencement of this Act), a trade supplier to whom any such notice has been given shall, if so required by the bread manufacturer or other person named in the notice supply to that bread manufacturer or other person trade supplies in accordance with the notice.

(4)

Bread.

(4) A person who contravenes or fails to comply with the provisions of subsection three of this section is guilty of an offence against this Act.

Penalty : Two thousand dollars or imprisonment for twelve months.

(5) Nothing in this section operates to require a trade supplier to supply trade supplies to any bread manufacturer or other person who, after being required so to do by the trade supplier, refuses to pay cash on delivery for any trade supplies supplied or required to be supplied to him.

(6) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

17. (1) Where the ingredients from which bread shall be made, the manner in which bread shall be made or processed or a standard or standards relating to the quality of bread have or has been prescribed, a person—

Standard loaf.
(cf. Act No. 17, 1950, s. 8.)

- (a) being a bread manufacturer, shall not manufacture, prepare or bake for trade or sale bread not made from the prescribed ingredients, or not processed in the prescribed manner, or which does not conform to the prescribed standard or standards as to quality; or
- (b) shall not sell or expose for sale bread knowing that it has not been so made, or that it has not been so processed, or that it does not conform to that prescribed standard or those prescribed standards.

(2) A person who contravenes or fails to comply with the provisions of subsection one of this section is guilty of an offence against this Act.

(3)

Bread.

(3) The Minister shall not recommend the making of any regulation prescribing any matter for the purposes of subsection one of this section unless—

- (a) he has appointed a committee consisting of representatives of the Department of Agriculture, the Department of Public Health, the Department of Labour and Industry and such other persons as the Minister may determine;
- (b) that committee has considered the proposed regulation; and
- (c) the Minister has had regard to any recommendation of that committee with respect to the proposed regulation.

Flour
miller to
specify
description
of in-
gredients.
(cf. Act No.
17, 1950,
s. 9)

18. (1) A flour miller shall not sell or deliver flour to a trade supplier, bread manufacturer or person proposing to commence business as a bread manufacturer unless there is conspicuously appended in the manner prescribed to every bag or other container in which the flour is sold or delivered such specification setting out such description as may be prescribed relating to the protein and maltose content of the flour and such other description of the ingredients contained in the flour and such other particulars relating to the use of the flour in the manufacture of bread as may be prescribed.

(2) A person who contravenes or fails to comply with the provisions of this section is guilty of an offence against this Act.

PART V.

BREAD—WEIGHTS.

Bread to
be made
in loaves
of certain
weight.
(cf. Act No.
17, 1950,
s. 17.)

19. (1) In this section, "bread" does not include bread rolls not exceeding six ounces in weight.

(2)

Bread.

(2) All bread made or baked for trade or sale within the State shall be made into loaves weighing not less than one pound, two pounds and four pounds respectively.

(3) Notwithstanding anything contained in subsection two of this section the Governor may make regulations authorising, subject to such conditions, if any, as may be prescribed, bread made or baked for trade or sale within the State to be made into loaves of such denominations or sizes, in addition to those specified in subsection two of this section, as may be specified in the regulations.

(4) Without limiting the generality of subsection three of this section, the conditions that may be prescribed under that subsection may include conditions—

- (a) as to type or variety of the bread; or
- (b) requiring the affixing, by label or otherwise, to the loaves of bread, or the impressing or embossing on the loaves of bread during baking by means of the surface of the tin or other utensil in which the loaves are baked, of such particulars as to type, variety, denomination or size as may be prescribed and regulating the manner of that affixing, impressing or embossing.

(5) Regulations under subsection three of this section may prescribe denominations or sizes by reference to the total weight of the loaves, the weight of dry solids contained therein, or any other criteria prescribed by the regulations.

(6) A person who makes or bakes for trade or sale—

- (a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three, of this section;
- (b) bread in a loaf of any denomination or size prescribed under subsection three of this section without complying with the conditions, if any,

prescribed

Bread.

prescribed under that subsection in relation to the making or baking of bread of that denomination or size; or

- (c) any loaf which is found deficient of its due weight when weighed by an inspector,

is guilty of an offence against this Act and liable for a first offence to a penalty not exceeding two hundred dollars, for a second offence to a penalty not exceeding four hundred dollars and for a third or subsequent offence to a penalty not exceeding one thousand dollars.

(7) A person shall not sell or offer for sale—

- (a) bread in a loaf of any denomination or size other than those specified in subsection two, or prescribed under subsection three of this section;
- (b) bread in a loaf of any denomination or size prescribed under subsection three of this section where the conditions, if any, prescribed under that subsection in relation to the making or baking of bread of that denomination or size have not been complied with; or
- (c) any loaf which is found deficient of its due weight when weighed by an inspector.

Penalty : Twenty dollars.

(8) Except where the due weight of the loaf is a weight that has been prescribed under subsection three of this section by reference to the weight of dry solids contained in the loaf, it shall be a sufficient defence to any prosecution under this section for making or baking for trade or sale or selling or offering for sale any loaf which is found deficient of its due weight when weighed by an inspector if the defendant proves that the loaf was not made or baked within the period of twenty-four hours of its being so weighed.

PART

Bread.

PART VI.

THE BREAD INDUSTRY ADVISORY COMMITTEE.

20. In this Part of this Act—

Definitions.

“Committee” means the Bread Industry Advisory Committee constituted under this Part of this Act;

“member” means member of the Committee.

21. (1) There shall be constituted a Bread Industry Advisory Committee which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Part of this Act.

Constitution of Bread Industry Advisory Committee.
(cf. Act No. 17, 1950, s. 9D.)

(2) The Committee shall, subject to subsection five of this section, consist of seven members to be appointed by the Governor.

(3) Of the members of the Committee—

- (a) one shall be the Under Secretary, who shall be chairman of the Committee;
- (b) two shall be persons nominated by the Minister to be representative of employees engaged in the industry of the manufacturing and delivery of bread;
- (c) two shall be persons nominated by the Minister to be representative of employers engaged in that industry; and
- (d) two shall be persons nominated by the Minister to be representative of consumers of bread.

(4) If the Under Secretary is unable to attend any meeting of the Committee he may appoint an officer of his Department to attend and act for him at that meeting and for all purposes that officer when so acting shall be deemed to be the chairman of the Committee.

(5)

Bread.

(5) Upon being requested so to do by the chairman of the Committee, the Minister may appoint persons to attend meetings of the Committee for the purpose of considering any matter and a person so appointed shall while so attending any meeting of the Committee be deemed for the purposes of this section and section twenty-two of this Act to be a member.

Provisions
applicable to
Committee.

22. (1) Subject to this section the members, other than the chairman, shall hold office for a term of three years and shall be eligible for re-appointment from time to time upon the expiration of their term of office.

(2) A member, other than the chairman, shall be entitled to receive such remuneration or fees for his services and a member shall be entitled to receive such travelling expenses as may be fixed from time to time by the Governor.

(3) A member, other than the chairman, shall be deemed to have vacated his office if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (c) is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) resigns his office by writing under his hand addressed to the Governor; or
- (e) is removed from office by the Governor.

(4) On the occurrence of a vacancy in the office of a member, the Governor may appoint to the vacant office a person to be representative of the same interests as his predecessor and he shall, subject to this section, hold office for the remainder of his predecessor's term of office.

(5)

Bread.

(5) In the case of the illness or absence of a member other than the chairman, the Governor may appoint a deputy to act in the place of that member during his illness or absence.

(6) A deputy appointed under subsection five of this section while acting as a deputy may exercise and discharge all the powers, authorities, duties and functions of the member in whose place he acts.

(7) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Committee by or under this Part, the Committee may, with the approval of the Minister concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(8) A majority (one of whom shall be the chairman) of the members (including, where the Committee is considering any matter in respect of which additional members have been appointed under subsection five of section twenty-one of this Act, those additional members) of the Committee shall constitute a quorum for the purposes of any meeting of the Committee, and any duly convened meeting at which a quorum is present shall be capable of exercising and performing any of the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Act.

(9) At any meeting of the Committee at which a quorum is present the decision of the majority of the members present and voting at such meeting shall be the decision of the Committee.

(10) If at any meeting of the Committee the voting on any matter is equal, the chairman shall have a second or casting vote.

(11) The Committee shall cause minutes of its proceedings and decisions at formal meetings to be kept.

(12)

Bread.

(12) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to this section and to any regulations in relation thereto, be as determined by the Committee.

(13) In subsections one, three, four and five of this section, "member" includes a person appointed under subsection five of section twenty-one of this Act.

Functions
of Com-
mittee.
(cf. Act No.
17, 1950,
s. 9E.)

23. (1) The Committee shall have power—

- (a) to investigate and make recommendations to the Minister in respect of special measures necessary to improve methods of bread making and distribution and sanitary conditions in bakehouses;
- (b) to recommend to the Minister standards of efficiency necessary for persons engaged in the manufacture of bread; and
- (c) to consider and recommend to the Minister any amendment of existing legislation and proposals for future legislation which in its opinion are necessary and desirable in respect of any matters relating to the industry of bread manufacturing.

(2) The Committee shall, when so directed by the Minister, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to the industry of bread manufacturing which may be referred to the Committee by the Minister.

PART

Bread.

PART VII.

GENERAL.

24. (1) An inspector shall have power—

(a) to enter and inspect—

(i) at any time by day or night any premises of any bread manufacturer, bread distributor or bread reseller;

(ii) at any reasonable time by day or night any premises of a trade supplier,

for the purpose of ascertaining whether the provisions of this Act (other than Part V) and the regulations (other than regulations made for the purposes of that Part) are being complied with;

(b) to require the production of any licence or certificate or of any books, documents and papers referring to the manufacture, distribution, sale or supply of bread or trade supplies and to examine, make copies of or make extracts from them;

(c) to stop any person engaged in the distribution or delivery of bread or trade supplies and search any vehicle, basket or other means used in connection therewith;

(d) to interrogate any bread manufacturer, bread distributor, bread reseller or trade supplier and any of his employees with respect to any matter coming within the provisions of this Act (other than Part V) or the regulations (other than regulations made for the purposes of that Part);

(e) to seize and take any adulterated, impure or unwholesome dough or ingredient in or upon any premises referred to in paragraph (a) of this subsection which appears to be intended to be used for the purpose of manufacture of bread; and

(f)

Powers of inspectors and weights and measures inspectors. (cf. Act No. 40, 1946, s. 10, and Act No. 17, 1950, s. 18.)

Bread.

- (f) to seize and take samples of any dough, bread, meal or flour in or upon any such premises.

(2) A weights and measures inspector shall have power—

- (a) to enter and inspect at all reasonable hours by day or night any shop or any bakehouse for the purpose of ascertaining whether the provisions of Part V of this Act or the regulations made for the purposes of that Part are being complied with;
- (b) to view, weigh and test all bread in any shop in which bread is sold or offered for sale or in any bakehouse;
- (c) to stop any person engaged in the distribution or delivery of bread and search any vehicle, basket or other means used in connection with such distribution or delivery;
- (d) to interrogate any bread manufacturer or person carrying on the business of selling bread and any of their employees with respect to any matter coming within the provisions of Part V of this Act or the regulations made for the purposes of that Part; and
- (e) to seize and take samples of any bread in or upon a bakehouse or shop.

(3) A bread manufacturer, bread distributor and bread reseller, his agents or servants, shall furnish the means required by an inspector or a weights and measures inspector for an entry, inspection, examination and inquiry, or the exercise of his powers under this Act or the regulations and if any bread manufacturer, bread distributor or bread reseller or any agent or servant of any of them fails or refuses to do so, he is guilty of an offence against this Act.

(4) If the admission of an inspector or a weights and measures inspector into any premises in the exercise of his powers under this Act or the regulations is refused or unreasonably delayed, the inspector or weights and measures inspector,

Bread.

inspector, as the case may be, if accompanied by a member of the police force, may enter the premises with such force and with such assistance as he may deem necessary.

(5) A person who wilfully delays or obstructs an inspector or a weights and measures inspector in the exercise of any power conferred on him by this Act or the regulations, or who fails to comply with a requisition of an inspector made under any such power or to produce any books, documents or papers which he is required to produce, or who conceals or prevents any person from appearing before or being examined by an inspector or a weights and measures inspector in the execution of his powers is guilty of an offence against this Act.

(6) Nothing in this section requires a person to answer any question incriminating himself.

(7) Every inspector and weights and measures inspector shall be furnished with an authority and on applying for admission to any premises, or exercising any powers conferred on him by this Act or the regulations, shall, if required, produce the authority to the occupier or person concerned.

(8) Any person who forges or counterfeits any such authority or makes use of any forged, counterfeited, or false authority, or personates an inspector or a weights and measures inspector named in any such authority, or falsely pretends to be an inspector or a weights and measures inspector, is guilty of an offence against this Act.

25. (1) The Minister may, from time to time, by notice in writing given to a bread manufacturer require him to make such provision to enable an inspector or inspectors to enter and inspect all parts of such premises of the bread manufacturer at such time or times, or at all times during such period, as the Minister may in the notice specify.

Provision
of means
of entry
for in-
spectors.

(cf. Act No.
40, 1946,
s. 10 (1A).)

(2) If a bread manufacturer to whom a notice is given under subsection one of this section fails to comply with the requirements of the notice or if an inspector is
unable

Bread.

unable, in accordance with the provision required to be made by a bread manufacturer in accordance with such a notice, to enter and inspect the premises referred to in the notice or any part of those premises, the bread manufacturer is guilty of an offence against this Act.

Entry
under
special
warrant.

(cf. Act No.
40, 1946,
s. 10A.)

26. (1) Any justice of the peace upon complaint made on oath by an inspector that the inspector—

- (a) has reasonable cause to believe that premises referred to in the complaint are premises of a bread manufacturer;
- (b) has been unable to enter the premises, or such part thereof as is specified in the complaint, in accordance with the provision required by a notice under subsection one of section twenty-five of this Act in respect of the premises, or by the means required to be furnished under subsection three of section twenty-four of this Act; and
- (c) has reasonable cause to suspect that an offence against this Act is being committed in the premises, or in such part thereof as is so specified, as the case may be,

may, by special warrant under his hand, authorise an inspector to enter and inspect the premises or the part so specified.

(2) An inspector so authorised may at any time within twenty-four hours after the issue of the special warrant, if accompanied by a member of the police force, enter the premises or part thereof specified in the warrant with such force and with such assistance as he may deem necessary.

(3) Every special warrant shall be in the form contained in Schedule Three to this Act or to the like effect.

Bread.

27. (1) In this section—

- (a) a reference to the bakehouse of a bread manufacturer is a reference—

Access to
bakehouses.
(cf. Act No.
40, 1946,
s. 10B.)

(i) where the whole of any premises is occupied or used by the bread manufacturer for or in connection with the manufacture, preparation or baking of bread or the distribution or sale of bread manufactured, prepared or baked on the premises, to those premises;

(ii) where only a part or parts of any premises is or are so occupied or used by the bread manufacturer, to that part or those parts of the premises;

- (b) “public street” means street, road, lane, thoroughfare or footpath open to and used by the public.

(2) A person shall not in any premises carry on the business of a bread manufacturer—

- (a) unless there is a direct means of communication by way of ingress and egress complying with subsection three of this section, between his bakehouse and a public street; or

- (b) if there is a means of ingress to or egress from his bakehouse otherwise than to or from a public street.

(3) The means of communication between the bakehouse of a bread manufacturer and a public street, referred to in paragraph (a) of subsection two of this section, shall—

- (a) be solely occupied by and be under the sole control of that person; and

- (b) be such as to afford convenient and lawful access by inspectors to the whole of the bakehouse from the public street.

(4)

Bread.

(4) A person is, in respect of each day upon which he carries on a business contrary to the provisions of subsection two of this section, guilty of an offence against this Act.

(5) A bread manufacturer, and every person in charge or apparently in charge of the manufacture, preparation or baking of bread in a bakehouse of a bread manufacturer, shall, whenever required verbally or in writing by the Minister or by an inspector to give particulars of the means of communication with the bakehouse of the bread manufacturer, give to the Minister or to the inspector, as the case may be, such full and truthful particulars of the means of communication as would enable an inspector to find the means of communication and enter the bakehouse thereby.

(6) The particulars referred to in subsection five of this section shall—

- (a) be furnished within such time as the Minister or inspector may specify or, if the Minister or inspector does not specify any time, be furnished forthwith; and
- (b) if the Minister or inspector so requires, be furnished in writing and be accompanied by a plan of the premises showing the means of communication.

(7) Where any person fails to give particulars in accordance with subsections five and six of this section in relation to the means of communication with a bakehouse of a bread manufacturer—

- (a) that person is guilty of an offence against this Act;
- (b) all premises and all parts of premises adjacent to the bakehouse and used or apparently used for or in connection with the manufacture, preparation or baking of bread in the bakehouse or the distribution or sale of bread so manufactured, prepared or baked shall for the purposes of the exercise by any person of any power conferred on him by section twenty-four or twenty-six of this Act be deemed to be part

Bread.

part of the bakehouse and to be in the sole occupation and under the sole control of the bread manufacturer.

(8) Where a bread manufacturer has given particulars in accordance with subsections five and six of this section, he shall not at any time thereafter make any alteration in the means of communication with his bakehouse unless he has given the Minister at least seven days' notice of his intention to make the alteration and particulars thereof.

(9) A bread manufacturer who fails to comply with the provisions of subsection eight of this section is guilty of an offence against this Act.

28. (1) A notice authorised by this Act or the regulations to be given to or served on a person other than the Minister, the Under Secretary or a corporation shall be served—

Service of
notices, etc.

- (a) by delivering the notice to that person personally;
- (b) by prepaying the postage and posting the notice as a letter addressed to that person at his last known place of abode or business or, if he is carrying on business at two or more places, at one of those places;
- (c) by leaving the notice at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than sixteen years of age; or
- (d) by leaving the notice at the last known place of business of that person or, if he is carrying on business at two or more places, at one of those places with some person apparently in the service of that person and apparently not less than sixteen years of age.

Bread.

(2) A notice authorised by this Act or the regulations to be given to or served on a person, being a corporation, shall be served—

- (a) by prepaying the postage and posting the notice as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at two or more places, at one of those places; or
- (b) by leaving the notice at that place, or at one of those places, with some person apparently in the service of the corporation and apparently not less than sixteen years of age.

(3) A notice that is authorised by this Act or the regulations to be given or made to or served on a bread manufacturer, and any summons to be served on a bread manufacturer in respect of any offence against this Act or the regulations, shall without prejudice to any other mode of service permitted by law be deemed to be duly served upon the bread manufacturer if the notice or summons is affixed to the door or some other conspicuous part of the premises of the bread manufacturer.

(4) A reference in this section to a notice includes a reference to any requirement authorised to be made by this Act or the regulations that is in writing.

Penalty.
(cf. Act No.
40, 1946,
s. 10c.)

29. (1) A person who commits an offence against this Act is, where no other penalty is provided, liable for a first offence to a penalty not exceeding one hundred dollars, for a second offence to a penalty not exceeding two hundred and fifty dollars, and for a third or subsequent offence to a penalty not exceeding five hundred dollars.

(2) A person shall be liable under subsection one of this section to the penalty provided by that subsection for a second, third or subsequent offence, as the case may be, whether or not the information alleges or makes mention of a previous offence or offences.

(3)

Bread.

(3) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate is deemed to have committed the like offence and liable to the pecuniary penalty or imprisonment provided by this Act for that offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

(4) An offence committed by a person against the Bread Industry Act, 1946, or the Bread Manufacture and Delivery Act, 1950, shall, for the purposes of determining whether that person has committed a second, third or subsequent offence as referred to in subsection one of this section, be counted as an offence against this Act.

30. (1) In this section "offence" means—

(a) an offence against this Act other than an offence arising under Part V of this Act or an offence arising under this Part that relates to the exercise of the powers of a weights and measures inspector; and

Proceed-
ings.
(cf. Act No.
17, 1950,
s. 13.)

(b) an offence against the regulations, other than regulations made for the purposes of Part V of this Act.

(2) Proceedings for an offence may be taken by any person acting with the authority of the Minister.

(3) On a prosecution for an offence an authority to prosecute purporting to be signed by the Minister shall be evidence of the authority without proof of the Minister's signature or his appointment as Minister.

(4) All proceedings for offences may be disposed of summarily before a stipendiary magistrate or an industrial magistrate appointed under the Industrial Arbitration Act, 1940.

(5)

(5)

Bread.

(5) The provisions of the Industrial Arbitration Act, 1940, and the regulations thereunder, relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Commission shall apply, *mutatis mutandis*, to proceedings for offences before a stipendiary magistrate or an industrial magistrate.

(6) In any proceedings for an offence a statement purporting to be signed by the Under Secretary—

- (a) that any person was on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate and as to the terms and conditions, if any, of the licence or certificate;
- (b) that any person was not on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate; or
- (c) that on any date or during any period mentioned in the statement the licence or certificate of any person was suspended,

shall be evidence of the matters contained in the statement without proof of the signature or of the official character of the person appearing to have signed it.

Proceedings
for offences
against
Part V.
(cf. Act No.
17, 1950,
s. 19.)

31. All proceedings for offences against this Act arising under Part V of this Act, offences against this Act arising under this Part that relate to the exercise of the powers of a weights and measures inspector or offences against the regulations made for the purpose of Part V of this Act shall be disposed of summarily before any two justices in petty sessions.

Regulations.

32. (1) The Governor may make regulations not inconsistent with this Act for or with respect to—

- (a) prescribing the form of accounts to be kept by bread manufacturers and trade suppliers;
- (b)

Bread.

- (b) prescribing the standard or standards to be maintained by bread manufacturers in respect of ingredients used in the manufacture of doughs and the making or baking of bread;
- (c) prescribing the forms of applications for licences and certificates and for renewals of licences and certificates and the forms of licences and certificates;
- (d) requiring holders of licences to keep records and registers as prescribed;
- (e) requiring licences and other prescribed documents to be exhibited and regulating the manner of exhibition;
- (f) prescribing the fees to be paid on applications for licences and certificates;
- (g) prescribing the course of training to be completed and the examinations to be passed by applicants for certificates and the qualifications the possession of which shall entitle a person to the issue of a certificate;
- (h) the holding and conduct of examinations for certificates;
- (i) providing for the establishment of a Bakers Examination Board and the powers, authorities, duties and functions of that Board;
- (j) prescribing the fees to be paid for examinations for certificates;
- (k) any matter the subject of a recommendation made by the Bread Industry Advisory Committee under paragraphs (a) and (b) of subsection one of section twenty-three of this Act in so far as regulations are necessary to give effect to the recommendation and provision with respect to that matter is not made under any other Act or regulations made thereunder;

(1)

Bread.

- (1) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations made impose a penalty not exceeding forty dollars for any breach thereof.

SCHEDULES.

Secs. 3 (1),
7 (1).

SCHEDULE ONE.

REPEAL OF ACTS.

Year and number of Act.	Short title of Act.
PART I	
1950 No. 17	Bread Manufacture and Delivery Act, 1950.
1953 No. 40	Bread Manufacture and Delivery (Amendment) Act, 1953.
PART II	
1946 No. 40	Bread Industry Act, 1946.
1958 No. 8	Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.
1964 No. 56	Bread Industry (Amendment) Act, 1964.

SCHEDULE

Bread.

SCHEDULE TWO.

Secs. 3 (2),
7 (2).

AMENDMENT OF ACTS.

Column 1		Column 2
Year and number of Act.	Short title of Act.	Amendment.
PART I		
1958 No. 8	Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.	Section 1(3)—omit the subsection. Section 3—omit the section.
1962 No. 43	Factories, Shops and Industries Act, 1962.	Section 98—omit the section.
PART II		
1962 No. 43	Factories, Shops and Industries Act, 1962.	Section 74(1)—omit the definition of "Bread"; omit from the definition of "Make or bake" the words "bread or" wherever occurring. Section 95—omit the section. Section 96—omit the words "baker or"; omit the words "bread or" wherever occurring. Section 97—omit the words "baker or". Section 100—omit the words "baker or" wherever occurring; omit subsection (5) and insert in lieu thereof the following subsection: (5) This section does not apply to or in respect of any premises in respect of which an inspector may exercise any powers under Part VII of the Bread Act, 1969. Schedule One—omit so much of the Schedule as relates to the repeal of Part IV in section 2, and of Part IV, of the Bread Industry Act, 1946; omit so much of the Schedule as relates to the repeal of section 1(4) and section 4 of the Bread Industry, Manufacture and Delivery (Amendment) Act, 1958.

Bread.

Sec. 26 (3).

SCHEDULE THREE.

BREAD ACT, 1969.

Special Warrant to Enter Premises of a Bread Manufacturer.

WHEREAS it appears to me, _____, a justice of the peace in and for the State of New South Wales, by the complaint on oath by A.B. that A.B., an inspector under the Bread Act, 1969,—

- (a) has reasonable cause to believe that premises referred to in the complaint are premises of a bread manufacturer;
- (b) has been unable to enter the premises, or such part thereof as is specified in the complaint, by the means required to be furnished under subsection three of section twenty-four of the Bread Act, 1969, or in accordance with the provision required by a notice under subsection one of section twenty-five of that Act in respect of the premises; and
- (c) has reasonable cause to suspect that an offence against the Bread Act, 1969, is being committed in the premises, or in such part thereof so specified, as the case may be,

I do hereby authorise the said inspector, if accompanied by a member of the police force, to enter and inspect premises (or such part thereof as may be specified herein) situate at _____, with such force and with such assistance as he may deem necessary at any time within twenty-four hours of the issue hereof.

Given under my hand and seal at _____ in the State
of New South Wales, this _____ day of _____, in the year of
Our Lord one thousand nine hundred and _____ at

o'clock in the forenoon.
afternoon.

A Justice of the Peace.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th October, 1969.*