

**BREAD (PRICES DETERMINATION) ACT, 1980,
No. 117**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 117, 1980.

An Act to make provision for the determination of the maximum retail price and the maximum wholesale price at which bread may be sold. [Assented to, 30th October, 1980.]

Bread (Prices Determination).

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 :—

Short title.

1. This Act may be cited as the "Bread (Prices Determination) Act, 1980".

Interpre-
tation.

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

"bread" includes bread rolls;

"price" includes any valuable consideration, whether direct or indirect;

"regulations" means regulations under this Act;

"retail", in relation to a sale of bread, means a sale of the bread to a person for the purposes of consumption or use;

"sell" includes—

(a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or cause or permit to be sold or offered for sale; and

(b) sell for resale;

"wholesale", in relation to a sale of bread, means a sale of the bread to a person for the purposes of resale.

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(2) A reference in this Act to the appropriate maximum retail price fixed in relation to bread of any kind or description is a reference—

- (a) except where a regulation referred to in paragraph (b) is in force, to the appropriate maximum price fixed under Schedule 1 in relation to bread of that kind or description; or
- (b) to the appropriate maximum retail price fixed by the regulations in relation to bread of that kind or description.

(3) A reference in this Act to the appropriate maximum wholesale price fixed in relation to bread of any kind or description is a reference—

- (a) except where a regulation referred to in paragraph (b) is in force, to the appropriate maximum price fixed under Schedule 2 in relation to bread of that kind or description; or
- (b) to the appropriate maximum wholesale price fixed by the regulations in relation to bread of that kind or description.

3. A person shall not sell by retail bread of any kind or description at a price exceeding the appropriate maximum retail price fixed in relation to bread of that kind or description. Maximum price of bread sold by retail.

4. A person shall not sell by wholesale bread of any kind or description at a price exceeding the appropriate maximum wholesale price fixed in relation to bread of that kind or description. Maximum price of bread sold by wholesale.

5. (1) Where a person is contravening, has on 2 or more occasions contravened or threatens to contravene section 3 or 4, the Supreme Court may, on an application being made by a person authorised by the Minister, grant an injunction restraining the person from continuing to contravene the section or from contravening the section, as the case may require. Injunctions.

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(2) An injunction under subsection (1) may be granted as an interim injunction, without any undertaking being given by the Minister as to damages, or as a permanent injunction.

Excess price recoverable as a debt due to the Crown.

6. The amount which a person receives as a result of the sale of bread at a price which is more than the appropriate maximum retail price or the appropriate maximum wholesale price fixed in relation to the bread is a debt due to the Crown recoverable in any court of competent jurisdiction.

Delivery docket or invoice.

7. A person who sells bread, of a kind or description in relation to which a maximum retail price or a maximum wholesale price is fixed by or under this Act, to another person for resale shall deliver with the bread an invoice or docket on which is noted the quantity, the price and the kind or description of the bread delivered.

Incorrect price shown on wrapper or label.

8. (1) Where—

- (a) a person sells by retail or by wholesale bread of any kind or description wrapped in a wrapper or to which is affixed a label;
- (b) the price, or an amount of money which is likely to be taken to be the price, of that bread, is written on the wrapper or label; and
- (c) the price or amount of money so written is greater than the appropriate maximum retail price of bread of that kind or description and of the quantity wrapped in the wrapper or to which the label is affixed,

that person is guilty of an offence against this Act.

(2) It is a sufficient defence to a prosecution for an offence against this Act arising under subsection (1), being an offence that is alleged to have been committed by a person selling bread by retail, if the defendant proves that—

- (a) he purchased the bread from another person; and

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- (b) when he received the bread from that other person, it was wrapped in a wrapper or there was a label affixed to it, on which wrapper or label the price, or amount of money likely to be taken to be the price, referred to in the information for the offence, was already written.

9. (1) The provisions of sections 33 (1), 38 and 57 (1) of the Prices Regulation Act, 1948, apply to a person in respect of bread of any kind or description in the same way as—

Applica-
tion of
certain
provisions
of Prices
Regulation
Act, 1948.

- (a) in the case of the provisions of section 33 (1) or 38, those provisions apply to a person in respect of declared goods; or
- (b) in the case of the provisions of section 57 (1), those provisions apply to a person in respect of goods.

(2) For the purposes of the application, in accordance with subsection (1), of the provisions of—

- (a) section 33 (1) or 38 of the Prices Regulation Act, 1948, a reference in those provisions to the maximum price fixed in relation to declared goods shall be construed as if it were a reference to the appropriate maximum retail price or the appropriate maximum wholesale price, as the case may require, fixed in relation to bread of any kind or description;
- (b) section 33 (1) of the Prices Regulation Act, 1948, those provisions shall be construed as if they did not apply so as to prohibit a person from doing anything referred to in those provisions where he does that thing in connection with the purchase by him, by retail, of bread; and
- (c) section 38 of the Prices Regulation Act, 1948—
- (i) the reference in those provisions to a prosecution under that section shall be construed as a reference to a prosecution for an offence against this Act arising under that section; and
- (ii) subsection (2) (c) of that section shall be deemed to be omitted therefrom.

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(3) A person, being a person who carries on the business of selling bread by retail, who contravenes the provisions of section 33 (1) of the Prices Regulation Act, 1948, or a person who contravenes the provisions of section 38 or 57 (1) of that Act, as applied by subsection (1), is guilty of an offence against this Act.

Entry and
inspection.

10. (1) For the purposes of ascertaining whether the provisions of this Act (including the provisions of the Prices Regulation Act, 1948, as applied by section 9) or the regulations are being or have been complied with by any person carrying on the business of selling bread by retail or by wholesale, any inspector appointed under the Consumer Protection Act, 1969, may enter any premises where that business is being carried on or where any books, accounts, documents or writings relevant to that business are kept and may demand the production of and inspect any such books, accounts, documents or writings in or on those premises and take copies thereof or copies of any extract therefrom.

(2) A person shall not—

- (a) wilfully delay or obstruct any inspector referred to in subsection (1) in the exercise of his powers under that subsection;
- (b) refuse or fail to produce or conceal or attempt to conceal any such books, accounts, documents or writings; or
- (c) being a person concerned in the management of any business relating to the sale of bread by retail or by wholesale, refuse or fail to answer any question relating to any such books, accounts, documents or writings or give any untruthful answer to any such question.

Offences by
corporation.

11. (1) Where a body corporate contravenes any provision of this Act or the regulations, each director, as defined in the Companies Act, 1961, of the body corporate, and each officer, as so defined, of the body corporate concerned with the management of the body corporate, shall be deemed to have contravened the same provision unless he satisfies the court that—

- (a) the body corporate contravened the provision without his knowledge;

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- (b) he was not in a position to influence the conduct of the body corporate in relation to its contravention of the provision; or
- (c) he, being in such a position, used all due diligence to prevent the contravention of the provision by the body corporate.

(2) A person may be proceeded against and convicted pursuant to subsection (1) in respect of a contravention of any provision of this Act or the regulations whether or not the body corporate has been proceeded against or been convicted in respect of that contravention.

(3) Nothing in subsection (1) prejudices or affects any liability imposed by a provision of this Act or the regulations on any body corporate by which an offence arising under that provision is actually committed.

12. It is sufficient to allege, in an information for an offence against this Act arising under section 3 or 4, the sale by retail or by wholesale, as the case may be, of a quantity of bread of a specified kind or description without specifying that quantity, but, at the hearing of the proceedings on that information, evidence is admissible of the quantity of bread to which the information relates.

Information for offences under section 3 or 4.

13. A person who contravenes any provision of this Act or the regulations is guilty of an offence against this Act and liable to a penalty—

Penalty for offences.

- (a) if a body corporate—not exceeding \$10,000; or
- (b) if any other person—not exceeding \$5,000.

14. (1) Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone or before the Supreme Court in its summary jurisdiction.

Proceedings for offences.

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(2) Proceedings for an offence against this Act or the regulations shall not be instituted in the Supreme Court in its summary jurisdiction without the written consent of the Minister.

(3) If proceedings for an offence against this Act or the regulations are brought in a court of petty sessions held before a stipendiary magistrate, the maximum penalty that the court may impose in respect of the offence is, notwithstanding any other provisions of this Act or the regulations—

- (a) where the offence is committed by a body corporate—
\$2,000; or
- (b) where the offence is committed by any other person—
\$1,000.

(4) If proceedings for an offence against this Act or the regulations are brought in the Supreme Court in its summary jurisdiction, the Supreme Court may impose a penalty not exceeding the maximum penalty provided by this Act or the regulations, as the case may be, in respect of the offence.

(5) Proceedings in the Supreme Court in its summary jurisdiction for an offence against this Act or the regulations may be commenced not later than 6 months after the offence was committed.

Regulations. **15.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that is by this Act required or permitted to be prescribed or that is necessary or convenient to be prescribed for giving effect to this Act.

(2) Without limiting subsection (1), a regulation made for the purposes of section 2 (2) (b) or 2 (3) (b) may do any one or more of the following in relation to bread of any kind or description :—

- (a) fix different maximum retail prices or different maximum wholesale prices according to differences in quality or description or in the quantity sold or in respect of

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- different forms, modes, conditions, terms or localities of trade, commerce, sale or supply;
- (b) fix different maximum retail prices or different maximum wholesale prices in different parts of the State or in different specified areas;
 - (c) fix different maximum retail prices or different maximum wholesale prices on a sliding scale;
 - (d) fix different maximum retail prices or different maximum wholesale prices subject to compliance with any condition or conditions;
 - (e) fix different maximum retail prices or different maximum wholesale prices for cash, delivery or otherwise, and in any such case, inclusive or exclusive of the cost of packing or delivery;
 - (f) fix different maximum retail prices or different maximum wholesale prices according to or upon any principle or condition specified in the regulations;
 - (g) fix different maximum retail prices or different maximum wholesale prices relative to such standards of measurement, weight, capacity or otherwise howsoever as may be specified in the regulations, or relative to prices charged by individual traders on any date or during any period specified in the regulations, with such variations, if any, as may be specified in the regulations, or so that those prices vary in accordance with a standard or time, or other circumstance as may be specified in the regulations, or with profits or wages or with the cost of any article, as may be specified in the regulations.

16. (1) Any order made under the Prices Regulation Act, 1948, and in force immediately before the date of assent to this Act— Repeal of this Act.

- (a) so far as it fixes the maximum retail price of bread of any kind or description, has no force or effect while the maximum retail price in relation to bread of that kind or description is fixed under this Act; and

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(b) so far as it fixes the maximum wholesale price of bread of any kind or description, has no force or effect while the maximum wholesale price of bread of that kind or description is fixed under this Act.

(2) Subject to this section, nothing in this Act limits the provisions of the Prices Regulation Act, 1948, with respect to the making of orders with respect to bread but any such order has no force or effect while this Act is in force.

(3) The Prices Commission constituted under the Prices Regulation Act, 1948, shall not hold an inquiry with respect to bread while this Act is in force unless directed to do so by the Minister.

(4) Where, after the date of assent to this Act, any proposed order with respect to bread is served on the Minister under section 20 (1A) of the Prices Regulation Act, 1948, after an inquiry held in public in accordance with the provisions of that Act, and the Minister has informed the Prices Commission constituted under that Act that he does not propose to give it a direction under section 20 (1A) (b) of that Act with respect to that proposed order, the Minister shall, by proclamation published in the Gazette, declare that this Act ceases to have any further force or effect on and after the day on which that proposed order is published in the Gazette under the provisions of that Act.

(5) Upon the publication in the Gazette of an order duly made under the Prices Regulation Act, 1948, in the same terms as the proposed order referred to in a proclamation under subsection (4), this Act is repealed.

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SCHEDULE 1.

Sec. 2 (2)
(a).

MAXIMUM RETAIL PRICE OF BREAD.

1. (1) For the purpose of this Schedule—

Definitions.

“booked sale”, in relation to the sale of any bread, means a sale by retail which includes terms that payment for that bread may be made by the purchaser after 14 days from the date of delivery of that bread;

“bread”, not being bread rolls, does not include hand crafted bread, being bread that after mixing and dividing is moulded or shaped by hand;

“bread rolls” does not include—

- (a) french sticks; or
- (b) hand crafted bread rolls, being bread rolls that after mixing and dividing are moulded or shaped by hand;

“Broken Hill Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the principal Post Office at Broken Hill;

“Menindee Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Menindee;

“Newcastle Area” means all that area of New South Wales bounded by a line commencing at Stinky Point; thence a straight line from Stinky Point to the junction of the Pacific Highway and Turnbull Drive; thence via Turnbull Drive to Galgabba Point; thence in a northerly direction along the eastern shore of Lake Macquarie to the eastern bank of Cockle Creek; thence in a northerly direction along the eastern bank of Cockle Creek to the Cockle Creek Railway Station; thence in a straight line to the junction of the Pacific Highway and New England Highway; thence via the Pacific Highway to the southern bank of the Hunter River; thence in an easterly direction along the southern bank of the North Channel of the Hunter River; thence in a straight line to the junction of the Williamtown Road and the northern boundary of the Newcastle Golf Links; thence via the northern boundary of the Newcastle Golf Links; thence by a straight line in an easterly direction to the coast and includes any land which has a frontage to either side of any part of the highways or roads or drives specified in this definition;

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SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

“No. 1 Area” means all that area of New South Wales comprising the shires and municipality specified hereunder and any land within a radius of 2 kilometres from the Post Office of the towns specified hereunder in this definition:—

Shires—

Eurobodalla, Imlay, Mumbulla, Snowy River.

Municipality—

Bega.

Towns—

Dorrigo, Milvale, Springdale, Wollomombi.

“Sydney Metropolitan Area” means the City of Sydney and all that area of New South Wales bounded by a line commencing at Barrenjoey Head; thence a straight line from Barrenjoey Head to West Head; thence via the southern shore of Broken Bay and Hawkesbury River to Challenger Head; thence a straight line to Bujwa Bay Road, Cowan; thence a straight line to the junction of Old Northern Road and Cattai Ridge Road; thence a straight line to the junction of Pitt Town Road and Blue Gum Road; thence via Blue Gum Road to Annangrove Road; thence via Annangrove and Nelson Roads to Windsor Road; thence via Windsor Road to the boundary of Blacktown and Windsor Municipalities; thence in a southwesterly direction via the boundary of the Blacktown Municipality to South Creek; thence in a southerly direction via South Creek to the southern boundary of the Commonwealth property; thence via the southern boundary of the Commonwealth property to Richmond Road; thence via Richmond Road to Andrews Road and along Andrews Road to Castlereagh Road; thence via Castlereagh Road to Mill Lane; thence via Mill Lane to the Nepean River; thence in a southerly direction along the eastern bank of the Nepean River to Mulgoa Creek; thence along Mulgoa Creek to the Mulgoa Road; thence via the Mulgoa Road to Enfield Street; thence via Enfield Street to the boundary of the proposed Western Expressway; thence via the proposed Western Expressway to Wallgrove Road; thence via Wallgrove Road to Elizabeth Drive; thence via Elizabeth Drive to the Old Cowpasture Road; thence via the Old Cowpasture Road to the Hume Highway; thence via the Hume Highway to Campbelltown Road; thence via Campbelltown Road to Wollongong Road; thence in a southerly direction along Wollongong Road to the junction of Fitzgibbon Lane; thence a straight line

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SCHEDULE 1—*continued.*

MAXIMUM RETAIL PRICE OF BREAD—*continued.*

to the junction of the boundaries of the Municipality of Campbelltown, the City of Wollongong and the Sutherland Shire; thence in an easterly direction via the southern boundary of the Sutherland Shire to the coast; thence generally in a northerly direction along the coast of New South Wales to the point of commencement and includes any land which has a frontage to either side of any part of the roads, lanes, streets, expressways, drives or highways specified in this definition;

“wholesale price” means the price paid by a person on the sale, or for the supply, to him of bread for the purpose of resale less—

- (a) any abatement, rebate, credit, allowance, concession deduction, or reduction made in respect of that price;
- (b) the value of any goods, services or facilities provided by or on behalf of that seller or supplier to that person;
- (c) any payment made by or on behalf of that seller or supplier to that person in respect of goods, services or facilities provided by that person; and
- (d) the value of any other benefit or advantage given, directly or indirectly, by, or on behalf of, that seller or supplier to that person;

“Wilcannia Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Wilcannia;

“Wollongong Area” means all that area within the City of Wollongong;

“wrapped”, in relation to the sale of any bread, means that that bread is, at the place of manufacture, fully enclosed and sealed in waxed or greaseproof paper, cellulose film, polythene or foil, and that that bread was so enclosed and sealed when sold.

(2) In this Schedule, a reference to—

- (a) a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs; or
- (b) an Appendix is a reference to an Appendix to this Schedule.

Bread (Prices Determination).

SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

Maximum
retail
price of
bread.

2. (1) The maximum price per loaf at which bread of a category referred to in Appendix 1 may be sold by retail in New South Wales, outside the Broken Hill Area, the Menindee Area and the Wilcannia Area, is the price that is the lesser of—

- (a) the price that is equal to the sum of the wholesale price paid per loaf for that bread by the retailer of the bread and 9 cents; and
- (b) the price that is specified in relation to a loaf of that bread in subclause (2) or (3).

(2) For the purposes of subclause (1), the price that is specified in relation to a loaf of bread sold by retail in the Sydney Metropolitan Area is—

- (a) where the bread is made to the basic formula—the price set out in Appendix 1 under the heading “Category A” opposite the description and weight of the loaf;
- (b) where the bread is made to the basic formula and has added to it one of the ingredients set out in the table to this subclause (other than fibre) so that the amount of that ingredient, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading “Category B” opposite the description and weight of the loaf;
- (c) where the bread is made to the basic formula and has added to it two or more of the ingredients set out in the table to this subclause, so that the amount of each of those two ingredients, or the amount of each of any two of those ingredients, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading “Category C” opposite the description and weight of the loaf; or
- (d) in any other case—the price set out in Appendix 1 under the heading “Category A” opposite the description and weight of the loaf.

*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

TABLE.

Protein Increased Flour	..	..	..	..	15.4
Milk Solids	..	..	..	..	4.0
Rye Flour	..	..	..	..	30.0
Fibre	..	..	..	..	1.8

(3) For the purposes of subclause (1), the price that is specified in relation to a loaf of the bread sold by retail outside the Sydney Metropolitan Area is the price that is so specified in relation to a loaf of bread of the same kind sold by retail inside the Sydney Metropolitan Area, plus—

- (a) where the bread is sold by retail in the Newcastle Area or the Wollongong Area—1 cent;
- (b) where the bread is sold by retail in the No. 1 Area—3 cents; or
- (c) where the bread is sold by retail in New South Wales outside the Sydney Metropolitan Area, the Newcastle Area, the Wollongong Area, the Broken Hill Area, the Menindee Area, the Wilcannia Area and No. 1 Area—2 cents.

(4) For the purposes of subclause (2), the basic formula, in relation to bread, is flour or wholemeal or a combination of flour and wholemeal, salt, yeast, water and improver.

3. (1) The maximum price at which a bread roll or a quantity of bread rolls may be sold by retail in New South Wales is the price that is the lesser of—

Maximum
retail price
of bread
rolls.

- (a) the sum of the wholesale price paid for that bread roll or quantity and an amount computed on the basis of 9 cents per 6 bread rolls; and
- (b) the price that is computed from the price specified in relation to bread rolls of that type in Appendix 2.

(2) Where a computation under subclause (1) results in a maximum price that includes a fraction of a cent, that maximum price may be rounded up to the next highest whole cent.

*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

Fee for booked sale. 4. The maximum price per loaf at which bread may be sold and the maximum price at which a bread roll or a quantity of bread rolls may be sold in New South Wales, by retail by booked sale, is the price that is 1 cent greater than the price that would, but for this clause, be the maximum price under this Act.

Delivery fee. 5. The maximum price per loaf at which bread may be sold and the maximum price at which a bread roll or a quantity of bread rolls may be sold, by a retailer to a purchaser at his residence, is the price that is 1 cent greater than the price that would, but for this clause, be the maximum price under this Schedule (clause 4 excepted).

Cl. 2.

APPENDIX 1.

Maximum Price of Bread Sold by Retail—Sydney Metropolitan Area.

Description of loaf	Weight of loaf when sold	Price per loaf
		cents
<i>Category A—</i>		
Unwrapped ..	Not less than 900 grams, but less than 1 800 grams	61
Wrapped ..	Not less than 900 grams, but less than 1 800 grams	63
Sliced ..	Not less than 900 grams, but less than 1 800 grams	65
Unwrapped ..	1 800 grams or more	112
Wrapped ..	1 800 grams or more	114
Sliced ..	1 800 grams or more	116
<i>Category B—</i>		
Unwrapped ..	Not less than 450 grams, but less than 680 grams ..	57
Wrapped ..	Not less than 450 grams, but less than 680 grams ..	59
Sliced ..	Not less than 450 grams, but less than 680 grams ..	61
Unwrapped ..	680 grams or more, but less than 900 grams ..	61
Wrapped ..	680 grams or more, but less than 900 grams ..	63
Sliced ..	680 grams or more, but less than 900 grams ..	65
Unwrapped ..	900 grams or more	73
Wrapped ..	900 grams or more	75
Sliced ..	900 grams or more	77
<i>Category C—</i>		
Unwrapped ..	Not less than 450 grams, but less than 680 grams ..	61
Wrapped ..	Not less than 450 grams, but less than 680 grams ..	63
Sliced ..	Not less than 450 grams, but less than 680 grams ..	65
Unwrapped ..	680 grams or more	68
Wrapped ..	680 grams or more	70
Sliced ..	680 grams or more	72

*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

APPENDIX 2.

Cl. 3.

Maximum Price of Bread Rolls.

Description of bread rolls	Price per 6 (unwrapped)	Price per 6 (wrapped)
	cents	cents
Small—not exceeding 55 grams when sold	64	66
Medium—exceeding 55 grams, but not exceeding 100 grams, when sold	70	72
Large—exceeding 100 grams, but not exceeding 170 grams, when sold	88	90

SCHEDULE 2.

Sec. 2 (3)
(a).

MAXIMUM WHOLESALE PRICE OF BREAD.

1. (1) For the purpose of this Schedule—

Definitions.

“bread”, not being bread rolls, does not include hand crafted bread, being bread that after mixing and dividing is moulded or shaped by hand;

“bread rolls” does not include—

- (a) french sticks; or
- (b) hand crafted bread rolls, being bread rolls that after mixing and dividing are moulded or shaped by hand;

“Broken Hill Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the principal Post Office at Broken Hill;

“Menindee Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Menindee;

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SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

“Newcastle Area” means all that area of New South Wales bounded by a line commencing at Stinky Point; thence a straight line from Stinky Point to the junction of the Pacific Highway and Turnbull Drive; thence via Turnbull Drive to Galgabba Point; thence in a northerly direction along the eastern shore of Lake Macquarie to the eastern bank of Cockle Creek; thence in a northerly direction along the eastern bank of Cockle Creek to the Cockle Creek Railway Station; thence in a straight line to the junction of the Pacific Highway and New England Highway; thence via the Pacific Highway to the southern bank of the Hunter River; thence in an easterly direction along the southern bank of the North Channel of the Hunter River; thence in a straight line to the junction of the Williamtown Road and the northern boundary of the Newcastle Golf Links; thence via the northern boundary of the Newcastle Golf Links; thence by a straight line in an easterly direction to the coast and includes any land which has a frontage to either side of any part of the highways or roads or drives specified in this definition;

“No. 1 Area” means all that area of New South Wales comprising the shires and municipality specified hereunder and any land within a radius of 2 kilometres from the Post Office of the towns specified hereunder in this definition:—

Shires—

Eurobodalla, Inlay, Mumbulla, Snowy River.

Municipality—

Bega.

Towns—

Dorrigo, Milvale, Springdale, Wollomombi.

“Sydney Metropolitan Area” means the City of Sydney and all that area of New South Wales bounded by a line commencing at Barrenjoey Head; thence a straight line from Barrenjoey Head to West Head; thence via the southern shore of Broken Bay and Hawkesbury River to Challenger Head; thence a straight line to Bujwa Bay Road, Cowan; thence a straight line to the junction of Old Northern Road and Cattai Ridge Road; thence a straight line to the junction of Pitt Town Road and Blue Gum Road; thence via Blue Gum Road to Annangrove Road; thence via Annangrove and Nelson Roads to Windsor Road; thence via Windsor Road to the boundary of Blacktown and Windsor Municipalities; thence in a southwesterly direction via the boundary

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SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

of the Blacktown Municipality to South Creek; thence in a southerly direction via South Creek to the southern boundary of the Commonwealth property; thence via the southern boundary of the Commonwealth property to Richmond Road; thence via Richmond Road to Andrews Road and along Andrews Road to Castlereagh Road; thence via Castlereagh Road to Mill Lane; thence via Mill Lane to the Nepean River; thence in a southerly direction along the eastern bank of the Nepean River to Mulgoa Creek; thence along Mulgoa Creek to the Mulgoa Road; thence via the Mulgoa Road to Enfield Street; thence via Enfield Street to the boundary of the proposed Western Expressway; thence via the proposed Western Expressway to Wallgrove Road; thence via Wallgrove Road to Elizabeth Drive; thence via Elizabeth Drive to the Old Cowpasture Road; thence via the Old Cowpasture Road to the Hume Highway; thence via the Hume Highway to Campbelltown Road; thence via Campbelltown Road to Wollongong Road; thence in a southerly direction along Wollongong Road to the junction of Fitzgibbon Lane; thence a straight line to the junction of the boundaries of the Municipality of Campbelltown, the City of Wollongong and the Sutherland Shire; thence in an easterly direction via the southern boundary of the Sutherland Shire to the coast; thence generally in a northerly direction along the coast of New South Wales to the point of commencement; and includes any land which has a frontage to either side of any part of the roads, lanes, streets, expressways, drives or highways specified in this definition;

“Wilcannia Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Wilcannia;

“Wollongong Area” means all that area within the City of Wollongong;

“wrapped”, in relation to the sale of any bread, means that that bread is, at the place of manufacture, fully enclosed and sealed in waxed or greaseproof paper, cellulose film, polythene or foil, and that that bread was so enclosed and sealed when sold.

(2) In this Schedule, a reference to—

- (a) a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs; and
- (b) an Appendix is a reference to an Appendix to this Schedule.

Bread (Prices Determination).

SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

Maximum
wholesale
price of
bread.

2. (1) The maximum price per loaf at which bread of a category referred to in Appendix 1 may be sold by wholesale in New South Wales, outside the Broken Hill Area, the Menindee Area and the Wilcannia Area, is the price that is specified in relation to a loaf of that bread in subclause (2) or (3).

(2) For the purposes of subclause (1), the price that is specified in relation to a loaf of bread sold by wholesale in the Sydney Metropolitan Area is—

- (a) where the bread is made to the basic formula—the price set out in Appendix 1 under the heading “Category A” opposite the description and weight of the loaf;
- (b) where the bread is made to the basic formula and has added to it one of the ingredients set out in the table to this subclause (other than fibre) so that the amount of that ingredient, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading “Category B” opposite the description and weight of the loaf;
- (c) where the bread is made to the basic formula and has added to it two or more of the ingredients set out in the table to this subclause, so that the amount of each of those two ingredients, or the amount of each of any two of those ingredients, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading “Category C” opposite the description and weight of the loaf; or
- (d) in any other case—the price set out in Appendix 1 under the heading “Category A” opposite the description and weight of the loaf.

*Bread (Prices Determination).*SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

TABLE.

Protein Increased Flour	..	..	..	..	..	15.4
Milk Solids	..	..	..	..	..	4.0
Rye Flour	..	..	..	..	..	30.0
Fibre	..	..	..	..	..	1.8

(3) For the purposes of subclause (1), the price that is specified in relation to a loaf of the bread sold by wholesale outside the Sydney Metropolitan Area is the price that is so specified in relation to a loaf of bread of the same kind sold by wholesale inside the Sydney Metropolitan Area, plus—

- (a) where the bread is sold by wholesale in the Newcastle Area or the Wollongong Area—1 cent;
- (b) where the bread is sold by wholesale in the No. 1 Area—3 cents; or
- (c) where the bread is sold by wholesale in New South Wales outside the Sydney Metropolitan Area, the Newcastle Area, the Wollongong Area, the Broken Hill Area, the Menindee Area, the Wilcannia Area and No. 1 Area—2 cents.

(4) For the purposes of subclause (2), the basic formula, in relation to bread, is flour or wholemeal or a combination of flour and wholemeal, salt, yeast, water and improver.

3. (1) The maximum price at which a bread roll or a quantity of bread rolls may be sold by wholesale in New South Wales is the price that is computed from the price specified in relation to bread rolls of that type in Appendix 2. Maximum
wholesale
price of
bread
rolls.

(2) Where a computation under subclause (1) results in a maximum price that includes a fraction of a cent, that maximum price may be rounded up to the next highest whole cent.

Bread (Prices Determination).

SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

Cl. 2.

APPENDIX 1.

Maximum Price of Bread Sold by Wholesale—Sydney Metropolitan Area.

Description of loaf	Weight of loaf when sold	Price per loaf
		cents
<i>Category A—</i>		
Unwrapped ..	Not less than 900 grams, but less than 1 800 grams	52
Wrapped ..	Not less than 900 grams, but less than 1 800 grams	54
Sliced ..	Not less than 900 grams, but less than 1 800 grams	56
Unwrapped ..	1 800 grams or more	103
Wrapped ..	1 800 grams or more	105
Sliced ..	1 800 grams or more	107
<i>Category B—</i>		
Unwrapped ..	Not less than 450 grams, but less than 680 grams	48
Wrapped ..	Not less than 450 grams, but less than 680 grams	50
Sliced ..	Not less than 450 grams, but less than 680 grams	52
Unwrapped ..	680 grams or more, but less than 900 grams	52
Wrapped ..	680 grams or more, but less than 900 grams	54
Sliced ..	680 grams or more, but less than 900 grams	56
Unwrapped ..	900 grams or more	64
Wrapped ..	900 grams or more	66
Sliced ..	900 grams or more	68
<i>Category C—</i>		
Unwrapped ..	Not less than 450 grams, but less than 680 grams	52
Wrapped ..	Not less than 450 grams, but less than 680 grams	54
Sliced ..	Not less than 450 grams, but less than 680 grams	56
Unwrapped ..	680 grams or more	59
Wrapped ..	680 grams or more	61
Sliced ..	680 grams or more	63

*Bread (Prices Determination).*SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

APPENDIX 2.

Cl. 3.

Maximum Price of Bread Rolls.

Description of bread rolls	Price per 6 (unwrapped)	Price per 6 (wrapped)
	cents	cents
Small—not exceeding 55 grams when sold	55	57
Medium—exceeding 55 grams, but not exceeding 100 grams, when sold	61	63
Large—exceeding 100 grams, but not exceeding 170 grams, when sold	79	81

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 30th October, 1980.*

BREAD (PRICES DETERMINATION) BILL, 1980

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to make provision for the determination of the maximum retail price and the maximum wholesale price at which bread may be sold.

The Bill contains the following provisions :—

Clause 1. Short title.

Clause 2. Interpretation. Subclauses (2) and (3) of clause 2 specify respectively the maximum retail price and the maximum wholesale price at which bread may be sold by reference to prices fixed under Schedule 1 or 2, as the case may be, of the proposed Act or, where regulations have been made for the purpose, by reference to those regulations.

Clause 3 prohibits the sale by retail of bread at a price in excess of the maximum retail price.

Clause 4 prohibits the sale by wholesale of bread at a price in excess of the maximum wholesale price.

Clause 5 enables the Supreme Court to grant interim or permanent injunctions against contraventions or threatened contraventions of the provisions contained in clauses 3 and 4 of the Bill.

Clause 6 provides that the excess which a person receives over the appropriate maximum retail price or the appropriate maximum wholesale price of bread is a debt due to the Crown recoverable in any court of competent jurisdiction.

Clause 7 requires a person who sells bread to another person for resale to deliver with the bread an invoice or docket containing certain particulars.

Clause 8 prohibits the sale of bread in a wrapper or to which is affixed a label on which is written a price in excess of the appropriate maximum retail price.

Clause 9 applies sections 33 (1) (offering to pay a higher price for declared goods, etc.), 38 (refusal etc. to sell at fixed prices) and 57 (1) (books, accounts etc. to be kept and preserved) of the Prices Regulation Act, 1948, to a person in respect of bread in the same way as those provisions apply to a person in respect of declared goods.

Clause 10 confers powers of entry and inspection for the purposes of the proposed Act on inspectors appointed under the Consumer Protection Act, 1969.

Clause 11 deems directors and officers of bodies corporate which have contravened any provision of the proposed Act or the regulations to have contravened the same provision, subject to certain exceptions.

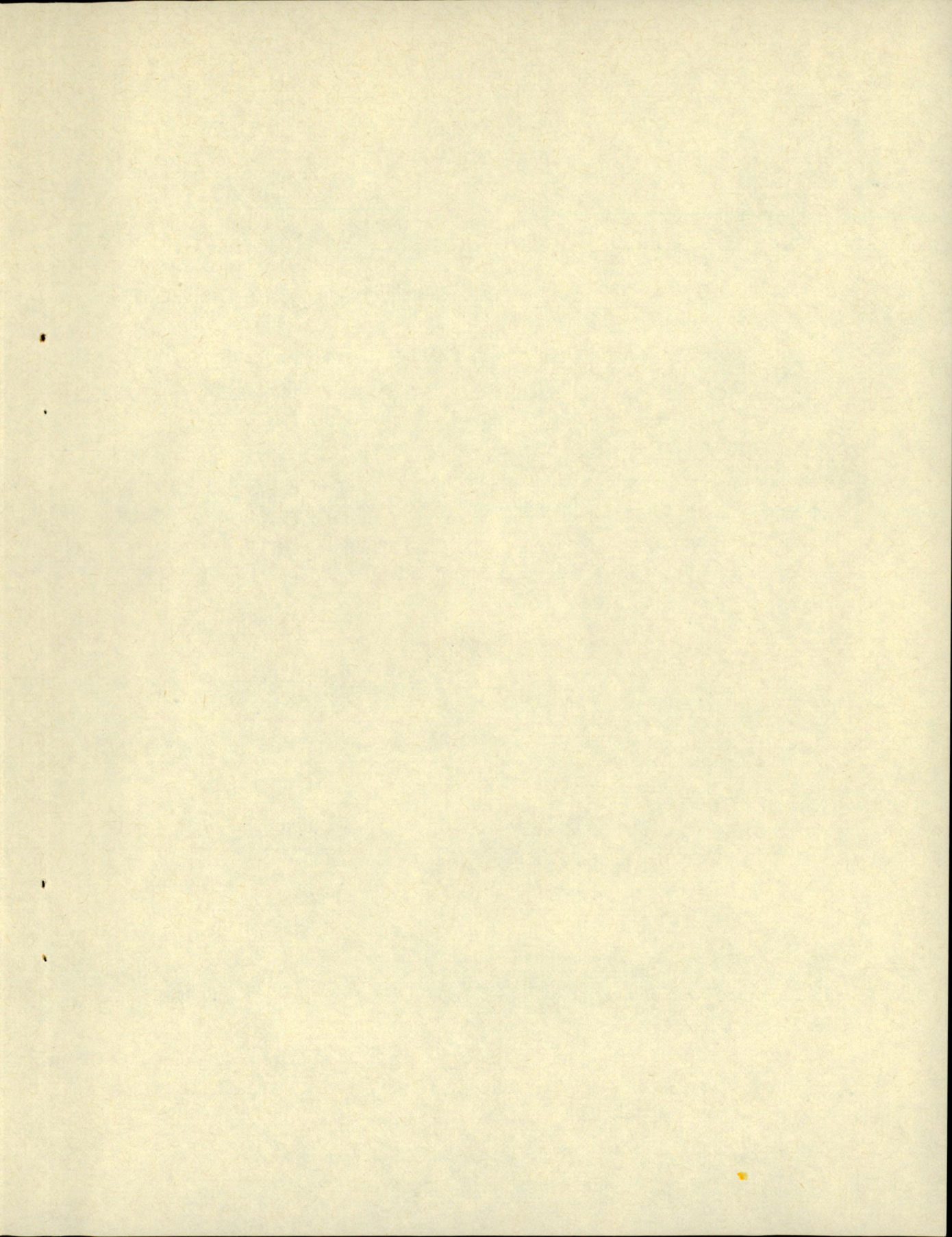
Clause 12 provides that it is sufficient to allege in an information for an offence the sale of a quantity of bread without specifying the quantity.

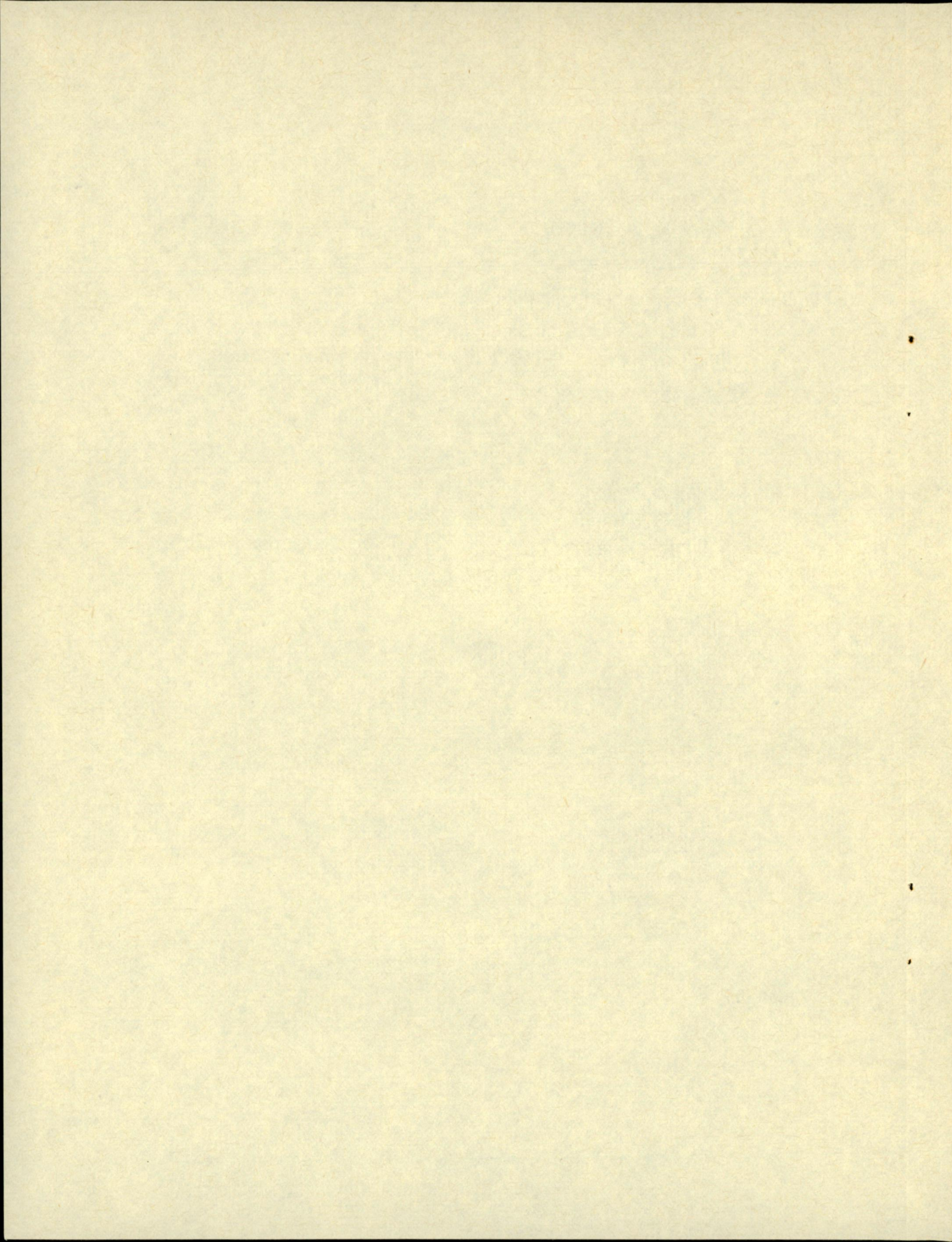
Clause 13 imposes penalties for offences against the proposed Act and the regulations.

Clause 14 provides for proceedings for offences against the proposed Act or the regulations to be taken before a court of petty sessions held before a stipendiary magistrate sitting alone or before the Supreme Court in its summary jurisdiction.

Clause 15 empowers the making of regulations for the purposes of the proposed Act.

Clause 16 suspends certain orders, relating to bread, made under the Prices Regulation Act, 1948, and provides that, where an order with respect to bread, to be made under that Act, comes into force, the proposed Act is to be repealed.





BREAD (PRICES DETERMINATION) BILL, 1980

No. , 1980.

A BILL FOR

An Act to make provision for the determination of the maximum retail price and the maximum wholesale price at which bread may be sold.

[MR EINFELD—28 October, 1980.]

Bread (Prices Determination).

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 :—

5 1. This Act may be cited as the “Bread (Prices Determination) Short title. Act, 1980”.

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

“bread” includes bread rolls;

10 “price” includes any valuable consideration, whether direct or indirect;

“regulations” means regulations under this Act;

15 “retail”, in relation to a sale of bread, means a sale of the bread to a person for the purposes of consumption or use;

“sell” includes—

20 (a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or cause or permit to be sold or offered for sale; and

(b) sell for resale;

“wholesale”, in relation to a sale of bread, means a sale of the bread to a person for the purposes of resale.

Bread (Prices Determination).

(2) A reference in this Act to the appropriate maximum retail price fixed in relation to bread of any kind or description is a reference—

- 5 (a) except where a regulation referred to in paragraph (b) is in force, to the appropriate maximum price fixed under Schedule 1 in relation to bread of that kind or description; or
- 10 (b) to the appropriate maximum retail price fixed by the regulations in relation to bread of that kind or description.

(3) A reference in this Act to the appropriate maximum wholesale price fixed in relation to bread of any kind or description is a reference—

- 15 (a) except where a regulation referred to in paragraph (b) is in force, to the appropriate maximum price fixed under Schedule 2 in relation to bread of that kind or description; or
- 20 (b) to the appropriate maximum wholesale price fixed by the regulations in relation to bread of that kind or description.

3. A person shall not sell by retail bread of any kind or description at a price exceeding the appropriate maximum retail price fixed in relation to bread of that kind or description. Maximum price of bread sold by retail.

25 4. A person shall not sell by wholesale bread of any kind or description at a price exceeding the appropriate maximum wholesale price fixed in relation to bread of that kind or description. Maximum price of bread sold by wholesale.

30 5. (1) Where a person is contravening, has on 2 or more occasions contravened or threatens to contravene section 3 or 4, the Supreme Court may, on an application being made by a person authorised by the Minister, grant an injunction restraining the person from continuing to contravene the section or from contravening the section, as the case may require. Injunctions

Bread (Prices Determination).

(2) An injunction under subsection (1) may be granted as an interim injunction, without any undertaking being given by the Minister as to damages, or as a permanent injunction.

6. The amount which a person receives as a result of the sale of bread at a price which is more than the appropriate maximum retail price or the appropriate maximum wholesale price fixed in relation to the bread is a debt due to the Crown recoverable in any court of competent jurisdiction.

Excess price recoverable as a debt due to the Crown.

7. A person who sells bread, of a kind or description in relation to which a maximum retail price or a maximum wholesale price is fixed by or under this Act, to another person for resale shall deliver with the bread an invoice or docket on which is noted the quantity, the price and the kind or description of the bread delivered.

Delivery docket or invoice.

8. (1) Where—

15 (a) a person sells by retail or by wholesale bread of any kind or description wrapped in a wrapper or to which is affixed a label;

Incorrect price shown on wrapper or label.

(b) the price, or an amount of money which is likely to be taken to be the price, of that bread, is written on the wrapper or label; and

20

(c) the price or amount of money so written is greater than the appropriate maximum retail price of bread of that kind or description and of the quantity wrapped in the wrapper or to which the label is affixed,

25 that person is guilty of an offence against this Act.

(2) It is a sufficient defence to a prosecution for an offence against this Act arising under subsection (1), being an offence that is alleged to have been committed by a person selling bread by retail, if the defendant proves that—

30 (a) he purchased the bread from another person; and

Bread (Prices Determination).

5 (b) when he received the bread from that other person, it was wrapped in a wrapper or there was a label affixed to it, on which wrapper or label the price, or amount of money likely to be taken to be the price, referred to in the information for the offence, was already written.

9. (1) The provisions of sections 33 (1), 38 and 57 (1) of the Prices Regulation Act, 1948, apply to a person in respect of bread of any kind or description in the same way as—

Applica-
tion of
certain
provisions
of Prices
Regulation
Act, 1948.

10 (a) in the case of the provisions of section 33 (1) or 38, those provisions apply to a person in respect of declared goods; or

(b) in the case of the provisions of section 57 (1), those provisions apply to a person in respect of goods.

15 (2) For the purposes of the application, in accordance with subsection (1), of the provisions of—

20 (a) section 33 (1) or 38 of the Prices Regulation Act, 1948, a reference in those provisions to the maximum price fixed in relation to declared goods shall be construed as if it were a reference to the appropriate maximum retail price or the appropriate maximum wholesale price, as the case may require, fixed in relation to bread of any kind or description;

25 (b) section 33 (1) of the Prices Regulation Act, 1948, those provisions shall be construed as if they did not apply so as to prohibit a person from doing anything referred to in those provisions where he does that thing in connection with the purchase by him, by retail, of bread; and

(c) section 38 of the Prices Regulation Act, 1948—

30 (i) the reference in those provisions to a prosecution under that section shall be construed as a reference to a prosecution for an offence against this Act arising under that section; and

(ii) subsection (2) (c) of that section shall be deemed to be omitted therefrom.

Bread (Prices Determination).

(3) A person, being a person who carries on the business of selling bread by retail, who contravenes the provisions of section 33 (1) of the Prices Regulation Act, 1948, or a person who contravenes the provisions of section 38 or 57 (1) of that Act, as applied by subsection (1), is guilty of an offence against this Act.

10. (1) For the purposes of ascertaining whether the provisions of this Act (including the provisions of the Prices Regulation Act, 1948, as applied by section 9) or the regulations are being or have been complied with by any person carrying on the business of selling bread by retail or by wholesale, any inspector appointed under the Consumer Protection Act, 1969, may enter any premises where that business is being carried on or where any books, accounts, documents or writings relevant to that business are kept and may demand the production of and inspect any such books, accounts, documents or writings in or on those premises and take copies thereof or copies of any extract therefrom.

(2) A person shall not—

- (a) wilfully delay or obstruct any inspector referred to in subsection (1) in the exercise of his powers under that subsection;
- (b) refuse or fail to produce or conceal or attempt to conceal any such books, accounts, documents or writings; or
- (c) being a person concerned in the management of any business relating to the sale of bread by retail or by wholesale, refuse or fail to answer any question relating to any such books, accounts, documents or writings or give any untruthful answer to any such question.

11. (1) Where a body corporate contravenes any provision of this Act or the regulations, each director, as defined in the Companies Act, 1961, of the body corporate, and each officer, as so defined, of the body corporate concerned with the management of the body corporate, shall be deemed to have contravened the same provision unless he satisfies the court that—

- (a) the body corporate contravened the provision without his knowledge;

Bread (Prices Determination).

(b) he was not in a position to influence the conduct of the body corporate in relation to its contravention of the provision; or

5 (c) he, being in such a position, used all due diligence to prevent the contravention of the provision by the body corporate.

(2) A person may be proceeded against and convicted pursuant to subsection (1) in respect of a contravention of any provision of this Act or the regulations whether or not the body
10 corporate has been proceeded against or been convicted in respect of that contravention.

(3) Nothing in subsection (1) prejudices or affects any liability imposed by a provision of this Act or the regulations on any body corporate by which an offence arising under that
15 provision is actually committed.

12. It is sufficient to allege, in an information for an offence against this Act arising under section 3 or 4, the sale by retail or by wholesale, as the case may be, of a quantity of bread of a specified kind or description without specifying that quantity, but,
20 at the hearing of the proceedings on that information, evidence is admissible of the quantity of bread to which the information relates.

Information for offences under section 3 or 4.

13. A person who contravenes any provision of this Act or the regulations is guilty of an offence against this Act and liable to a penalty—

Penalty for offences.

25 (a) if a body corporate—not exceeding \$10,000; or

(b) if any other person—not exceeding \$5,000.

14. (1) Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone or before the Supreme
30 Court in its summary jurisdiction.

Proceedings for offences.

Bread (Prices Determination).

(2) Proceedings for an offence against this Act or the regulations shall not be instituted in the Supreme Court in its summary jurisdiction without the written consent of the Minister.

(3) If proceedings for an offence against this Act or the 5 regulations are brought in a court of petty sessions held before a stipendiary magistrate, the maximum penalty that the court may impose in respect of the offence is, notwithstanding any other provisions of this Act or the regulations—

- 10 (a) where the offence is committed by a body corporate—
\$2,000; or
- (b) where the offence is committed by any other person—
\$1,000.

(4) If proceedings for an offence against this Act or the regulations are brought in the Supreme Court in its summary 15 jurisdiction, the Supreme Court may impose a penalty not exceeding the maximum penalty provided by this Act or the regulations, as the case may be, in respect of the offence.

(5) Proceedings in the Supreme Court in its summary jurisdiction for an offence against this Act or the regulations may 20 be commenced not later than 6 months after the offence was committed.

15. (1) The Governor may make regulations, not inconsistent **Regulations.** with this Act, for or with respect to any matter that is by this Act required or permitted to be prescribed or that is necessary or 25 convenient to be prescribed for giving effect to this Act.

(2) Without limiting subsection (1), a regulation made for the purposes of section 2 (2) (b) or 2 (3) (b) may do any one or more of the following in relation to bread of any kind or description :—

- 30 (a) fix different maximum retail prices or different maximum wholesale prices according to differences in quality or description or in the quantity sold or in respect of

Bread (Prices Determination).

- different forms, modes, conditions, terms or localities of trade, commerce, sale or supply;
- 5 (b) fix different maximum retail prices or different maximum wholesale prices in different parts of the State or in different specified areas;
- (c) fix different maximum retail prices or different maximum wholesale prices on a sliding scale;
- 10 (d) fix different maximum retail prices or different maximum wholesale prices subject to compliance with any condition or conditions;
- (e) fix different maximum retail prices or different maximum wholesale prices for cash, delivery or otherwise, and in any such case, inclusive or exclusive of the cost of packing or delivery;
- 15 (f) fix different maximum retail prices or different maximum wholesale prices according to or upon any principle or condition specified in the regulations;
- 20 (g) fix different maximum retail prices or different maximum wholesale prices relative to such standards of measurement, weight, capacity or otherwise howsoever as may be specified in the regulations, or relative to prices charged by individual traders on any date or during any period specified in the regulations, with such variations, if any, as may be specified in the regulations, or so that
- 25 those prices vary in accordance with a standard or time, or other circumstance as may be specified in the regulations, or with profits or wages or with the cost of any article, as may be specified in the regulations.
- 30 **16.** (1) Any order made under the Prices Regulation Act, **Repeal of this Act.** and in force immediately before the date of assent to this Act—
- 35 (a) so far as it fixes the maximum retail price of bread of any kind or description, has no force or effect while the maximum retail price in relation to bread of that kind or description is fixed under this Act; and

Bread (Prices Determination).

(b) so far as it fixes the maximum wholesale price of bread of any kind or description, has no force or effect while the maximum wholesale price of bread of that kind or description is fixed under this Act.

5 (2) Subject to this section, nothing in this Act limits the provisions of the Prices Regulation Act, 1948, with respect to the making of orders with respect to bread but any such order has no force or effect while this Act is in force.

(3) The Prices Commission constituted under the Prices
10 Regulation Act, 1948, shall not hold an inquiry with respect to bread while this Act is in force unless directed to do so by the Minister.

(4) Where, after the date of assent to this Act, any proposed order with respect to bread is served on the Minister
15 under section 20 (1A) of the Prices Regulation Act, 1948, after an inquiry held in public in accordance with the provisions of that Act, and the Minister has informed the Prices Commission constituted under that Act that he does not propose to give it a direction under section 20 (1A) (b) of that Act with respect to
20 that proposed order, the Minister shall, by proclamation published in the Gazette, declare that this Act ceases to have any further force or effect on and after the day on which that proposed order is published in the Gazette under the provisions of that Act.

(5) Upon the publication in the Gazette of an order
25 duly made under the Prices Regulation Act, 1948, in the same terms as the proposed order referred to in a proclamation under subsection (4), this Act is repealed.

Bread (Prices Determination).

SCHEDULE 1.

Sec. 2 (2)
(a).

MAXIMUM RETAIL PRICE OF BREAD.

1. (1) For the purpose of this Schedule—

Definitions.

5 "booked sale", in relation to the sale of any bread, means a sale by retail which includes terms that payment for that bread may be made by the purchaser after 14 days from the date of delivery of that bread;

10 "bread", not being bread rolls, does not include hand crafted bread, being bread that after mixing and dividing is moulded or shaped by hand;

"bread rolls" does not include—

(a) french sticks; or

(b) hand crafted bread rolls, being bread rolls that after mixing and dividing are moulded or shaped by hand;

15 "Broken Hill Area" means all that area of New South Wales comprised within a radius of 10 kilometres from the principal Post Office at Broken Hill;

20 "Menindee Area" means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Menindee;

25 "Newcastle Area" means all that area of New South Wales bounded by a line commencing at Stinky Point; thence a straight line from Stinky Point to the junction of the Pacific Highway and Turnbull Drive; thence via Turnbull Drive to Galgabba Point; thence in a northerly direction along the eastern shore of Lake Macquarie to the eastern bank of Cockle Creek; thence in a northerly direction along the eastern bank of Cockle Creek to the Cockle Creek Railway Station; thence in a straight line to the junction of the Pacific Highway and New England Highway;

30 thence via the Pacific Highway to the southern bank of the Hunter River; thence in an easterly direction along the southern bank of the North Channel of the Hunter River; thence in a straight line to the junction of the Williamtown Road and the northern boundary of the Newcastle Golf Links; thence via the northern boundary of the Newcastle Golf Links; thence by a

35 straight line in an easterly direction to the coast and includes any land which has a frontage to either side of any part of the highways or roads or drives specified in this definition;

*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

5 “No. 1 Area” means all that area of New South Wales comprising the shires and municipality specified hereunder and any land within a radius of 2 kilometres from the Post Office of the towns specified hereunder in this definition:—

Shires—

Eurobodalla, Imlay, Mumbulla, Snowy River.

Municipality—

10 Bega.

Towns—

Dorrigo, Milvale, Springdale, Wollomombi.

15 “Sydney Metropolitan Area” means the City of Sydney and all that area of New South Wales bounded by a line commencing at Barrenjoey Head; thence a straight line from Barrenjoey Head to West Head; thence via the southern shore of Broken Bay and Hawkesbury River to Challenger Head; thence a straight line to Bujwa Bay Road, Cowan; thence a straight line to the junction of Old Northern Road and Cattai Ridge Road; thence a straight line to the junction of Pitt Town Road and Blue Gum Road; thence via Blue Gum Road to Annangrove Road; thence via Annangrove and Nelson Roads to Windsor Road; thence via Windsor Road to the boundary of Blacktown and Windsor Municipalities; thence in a southwesterly direction via the boundary of the Blacktown Municipality to South Creek; thence in a southerly direction via South Creek to the southern boundary of the Commonwealth property; thence via the southern boundary of the Commonwealth property to Richmond Road; thence via Richmond Road to Andrews Road and along Andrews Road to Castlereagh Road; thence via Castlereagh Road to Mill Lane; thence via Mill Lane to the Nepean River; thence in a southerly direction along the eastern bank of the Nepean River to Mulgoa Creek; thence along Mulgoa Creek to the Mulgoa Road; thence via the Mulgoa Road to Enfield Street; thence via Enfield Street to the boundary of the proposed Western Expressway; thence via the proposed Western Expressway to Wallgrove Road; thence via Wallgrove Road to Elizabeth Drive; thence via Elizabeth Drive to the Old Cowpasture Road; thence via the Old Cowpasture Road to the Hume Highway; thence via the Hume Highway to Campbelltown Road; thence via Campbelltown Road to Wollongong Road; thence in a southerly direction along Wollongong Road to the junction of Fitzgibbon Lane; thence a straight line

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30

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*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

5 to the junction of the boundaries of the Municipality of Campbelltown, the City of Wollongong and the Sutherland Shire; thence in an easterly direction via the southern boundary of the Sutherland Shire to the coast; thence generally in a northerly direction along the coast of New South Wales to the point of commencement and includes any land which has a frontage to either side of any part of the roads, lanes, streets, expressways, drives or highways specified in this definition;

10

“wholesale price” means the price paid by a person on the sale, or for the supply, to him of bread for the purpose of resale less—

- (a) any abatement, rebate, credit, allowance, concession deduction, or reduction made in respect of that price;
- 15 (b) the value of any goods, services or facilities provided by or on behalf of that seller or supplier to that person;
- (c) any payment made by or on behalf of that seller or supplier to that person in respect of goods, services or facilities provided by that person; and
- 20 (d) the value of any other benefit or advantage given, directly or indirectly, by, or on behalf of, that seller or supplier to that person;

“Wilcannia Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Wilcannia;

25 “Wollongong Area” means all that area within the City of Wollongong;

“wrapped”, in relation to the sale of any bread, means that that bread is, at the place of manufacture, fully enclosed and sealed in waxed or greaseproof paper, cellulose film, polythene or foil, and that that bread was so enclosed and sealed when sold.

- 30 (2) In this Schedule, a reference to—
- (a) a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs; or
 - (b) an Appendix is a reference to an Appendix to this Schedule.

Bread (Prices Determination).

SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

2. (1) The maximum price per loaf at which bread of a category referred to in Appendix 1 may be sold by retail in New South Wales, outside the Broken Hill Area, the Menindee Area and the Wilcannia Area, is the price that is the lesser of— **Maximum retail price of bread.**

- (a) the price that is equal to the sum of the wholesale price paid per loaf for that bread by the retailer of the bread and 9 cents; and
- 10 (b) the price that is specified in relation to a loaf of that bread in subclause (2) or (3).

(2) For the purposes of subclause (1), the price that is specified in relation to a loaf of bread sold by retail in the Sydney Metropolitan Area is—

- 15 (a) where the bread is made to the basic formula—the price set out in Appendix 1 under the heading "Category A" opposite the description and weight of the loaf;
- 20 (b) where the bread is made to the basic formula and has added to it one of the ingredients set out in the table to this subclause (other than fibre) so that the amount of that ingredient, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading "Category B" opposite the description and weight of the loaf;
- 25 (c) where the bread is made to the basic formula and has added to it two or more of the ingredients set out in the table to this subclause, so that the amount of each of those two ingredients, or the amount of each of any two of those ingredients, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading "Category C" opposite the description and weight of the loaf; or
- 30
- 35 (d) in any other case—the price set out in Appendix 1 under the heading "Category A" opposite the description and weight of the loaf.

*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

TABLE.

	Protein Increased Flour	..	..	..	..	15.4
5	Milk Solids	..	..	..	..	4.0
	Rye Flour	..	..	..	..	30.0
	Fibre	..	..	..	..	1.8

(3) For the purposes of subclause (1), the price that is specified in relation to a loaf of the bread sold by retail outside the Sydney Metropolitan Area is the price that is so specified in relation to a loaf of bread of the same kind sold by retail inside the Sydney Metropolitan Area, plus—

- 10 (a) where the bread is sold by retail in the Newcastle Area or the Wollongong Area—1 cent;
- (b) where the bread is sold by retail in the No. 1 Area—3 cents; or
- 15 (c) where the bread is sold by retail in New South Wales outside the Sydney Metropolitan Area, the Newcastle Area, the Wollongong Area, the Broken Hill Area, the Menindee Area, the Wilcannia Area and No. 1 Area—2 cents.

(4) For the purposes of subclause (2), the basic formula, in relation to bread, is flour or wholemeal or a combination of flour and wholemeal, salt, yeast, water and improver.

3. (1) The maximum price at which a bread roll or a quantity of bread rolls may be sold by retail in New South Wales is the price that is the lesser of—

- 25 (a) the sum of the wholesale price paid for that bread roll or quantity and an amount computed on the basis of 9 cents per 6 bread rolls; and
- (b) the price that is computed from the price specified in relation to bread rolls of that type in Appendix 2.

30 (2) Where a computation under subclause (1) results in a maximum price that includes a fraction of a cent, that maximum price may be rounded up to the next highest whole cent.

Maximum
retail price
of bread
rolls.

*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

4. The maximum price per loaf at which bread may be sold and the Fee for maximum price at which a bread roll or a quantity of bread rolls may be booked sale. sold in New South Wales, by retail by booked sale, is the price that is 1 cent greater than the price that would, but for this clause, be the maximum price under this Act.

5. The maximum price per loaf at which bread may be sold and the Delivery maximum price at which a bread roll or a quantity of bread rolls may be fee. sold, by a retailer to a purchaser at his residence, is the price that is 1 cent greater than the price that would, but for this clause, be the maximum price under this Schedule (clause 4 excepted).

APPENDIX 1.

Cl. 2.

Maximum Price of Bread Sold by Retail—Sydney Metropolitan Area.

15	Description of loaf	Weight of loaf when sold	Price per loaf
	<i>Category A—</i>		cents
	Unwrapped ..	Not less than 900 grams, but less than 1 800 grams	61
20	Wrapped ..	Not less than 900 grams, but less than 1 800 grams	63
	Sliced ..	Not less than 900 grams, but less than 1 800 grams	65
	Unwrapped ..	1 800 grams or more	112
	Wrapped ..	1 800 grams or more	114
	Sliced ..	1 800 grams or more	116
	<i>Category B—</i>		
25	Unwrapped ..	Not less than 450 grams, but less than 680 grams ..	57
	Wrapped ..	Not less than 450 grams, but less than 680 grams ..	59
	Sliced ..	Not less than 450 grams, but less than 680 grams ..	61
	Unwrapped ..	680 grams or more, but less than 900 grams ..	61
30	Wrapped ..	680 grams or more, but less than 900 grams ..	63
	Sliced ..	680 grams or more, but less than 900 grams ..	65
	Unwrapped ..	900 grams or more	73
	Wrapped ..	900 grams or more	75
	Sliced ..	900 grams or more	77
	<i>Category C—</i>		
35	Unwrapped ..	Not less than 450 grams, but less than 680 grams ..	61
	Wrapped ..	Not less than 450 grams, but less than 680 grams ..	63
	Sliced ..	Not less than 450 grams, but less than 680 grams ..	65
	Unwrapped ..	680 grams or more	68
40	Wrapped ..	680 grams or more	70
	Sliced ..	680 grams or more	72

*Bread (Prices Determination).*SCHEDULE 1—*continued.*MAXIMUM RETAIL PRICE OF BREAD—*continued.*

APPENDIX 2.

Cl. 3.

Maximum Price of Bread Rolls.

5	Description of bread rolls	Price per 6 (unwrapped)	Price per 6 (wrapped)
		cents	cents
	Small—not exceeding 55 grams when sold	64	66
10	Medium—exceeding 55 grams, but not exceeding 100 grams, when sold	70	72
	Large—exceeding 100 grams, but not exceeding 170 grams, when sold	88	90

SCHEDULE 2.

Sec. 2 (3)
(a).

15 MAXIMUM WHOLESALE PRICE OF BREAD.

1. (1) For the purpose of this Schedule—

Definitions.

“bread”, not being bread rolls, does not include hand crafted bread, being bread that after mixing and dividing is moulded or shaped by hand;

20 “bread rolls” does not include—

- (a) french sticks; or
- (b) hand crafted bread rolls, being bread rolls that after mixing and dividing are moulded or shaped by hand;

25 “Broken Hill Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the principal Post Office at Broken Hill;

“Menindee Area” means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Menindee;

Bread (Prices Determination).

SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

5 “Newcastle Area” means all that area of New South Wales bounded by a line commencing at Stinky Point; thence a straight line from Stinky Point to the junction of the Pacific Highway and Turnbull Drive; thence via Turnbull Drive to Galgabba Point; thence in a northerly direction along the eastern shore of Lake Macquarie to the eastern bank of Cockle Creek; thence in a
10 northerly direction along the eastern bank of Cockle Creek to the Cockle Creek Railway Station; thence in a straight line to the junction of the Pacific Highway and New England Highway; thence via the Pacific Highway to the southern bank of the Hunter River; thence in an easterly direction along the southern
15 bank of the North Channel of the Hunter River; thence in a straight line to the junction of the Williamtown Road and the northern boundary of the Newcastle Golf Links; thence via the northern boundary of the Newcastle Golf Links; thence by a
20 straight line in an easterly direction to the coast and includes any land which has a frontage to either side of any part of the high-ways or roads or drives specified in this definition;

“No. 1 Area” means all that area of New South Wales comprising the shires and municipality specified hereunder and any land within a radius of 2 kilometres from the Post Office of the towns specified hereunder in this definition:—

25 Shires—

Eurobodalla, Imlay, Mumbulla, Snowy River.

Municipality—

Bega.

30 Towns—

Dorrigo, Milvale, Springdale, Wollomombi.

35 “Sydney Metropolitan Area” means the City of Sydney and all that area of New South Wales bounded by a line commencing at Barrenjoey Head; thence a straight line from Barrenjoey Head to West Head; thence via the southern shore of Broken Bay and Hawkesbury River to Challenger Head; thence a straight line to Bujwa Bay Road, Cowan; thence a straight line to the junction of Old Northern Road and Cattai Ridge Road; thence a straight
40 line to the junction of Pitt Town Road and Blue Gum Road; thence via Blue Gum Road to Annangrove Road; thence via Annangrove and Nelson Roads to Windsor Road; thence via Windsor Road to the boundary of Blacktown and Windsor Municipalities; thence in a southwesterly direction via the boundary

*Bread (Prices Determination).*SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

5 of the Blacktown Municipality to South Creek; thence in a southerly direction via South Creek to the southern boundary of the Commonwealth property; thence via the southern boundary of the Commonwealth property to Richmond Road; thence via Richmond Road to Andrews Road and along Andrews Road to Castlereagh Road; thence via Castlereagh Road to Mill Lane; thence via Mill Lane to the Nepean River; thence in a southerly direction along the eastern bank of the Nepean River to Mulgoa Creek; thence along Mulgoa Creek to the Mulgoa Road; thence via the Mulgoa Road to Enfield Street; thence via Enfield Street to the boundary of the proposed Western Expressway; thence via the proposed Western Expressway to Wallgrove Road; thence via Wallgrove Road to Elizabeth Drive; thence via Elizabeth Drive to the Old Cowpasture Road; thence via the Old Cowpasture Road to the Hume Highway; thence via the Hume Highway to Campbelltown Road; thence via Campbelltown Road to Wollongong Road; thence in a southerly direction along Wollongong Road to the junction of Fitzgibbon Lane; thence a straight line to the junction of the boundaries of the Municipality of Campbelltown, the City of Wollongong and the Sutherland Shire; thence in an easterly direction via the southern boundary of the Sutherland Shire to the coast; thence generally in a northerly direction along the coast of New South Wales to the point of commencement; and includes any land which has a frontage to either side of any part of the roads, lanes, streets, expressways, drives or highways specified in this definition;

30 "Wilcannia Area" means all that area of New South Wales comprised within a radius of 10 kilometres from the Post Office at Wilcannia;

"Wollongong Area" means all that area within the City of Wollongong;

35 "wrapped", in relation to the sale of any bread, means that that bread is, at the place of manufacture, fully enclosed and sealed in waxed or greaseproof paper, cellulose film, polythene or foil, and that that bread was so enclosed and sealed when sold.

(2) In this Schedule, a reference to—

(a) a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs; and

(b) an Appendix is a reference to an Appendix to this Schedule.

Bread (Prices Determination).

SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

2. (1) The maximum price per loaf at which bread of a category referred to in Appendix 1 may be sold by wholesale in New South Wales, outside the Broken Hill Area, the Menindee Area and the Wilcannia Area, is the price that is specified in relation to a loaf of that bread in subclause (2) or (3). **Maximum wholesale price of bread.**

(2) For the purposes of subclause (1), the price that is specified in relation to a loaf of bread sold by wholesale in the Sydney Metropolitan Area is—

(a) where the bread is made to the basic formula—the price set out in Appendix 1 under the heading “Category A” opposite the description and weight of the loaf;

(b) where the bread is made to the basic formula and has added to it one of the ingredients set out in the table to this subclause (other than fibre) so that the amount of that ingredient, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading “Category B” opposite the description and weight of the loaf;

(c) where the bread is made to the basic formula and has added to it two or more of the ingredients set out in the table to this subclause, so that the amount of each of those two ingredients, or the amount of each of any two of those ingredients, when expressed as a percentage of the weight of the bread calculated on a moisture free basis, comprises not less than the percentage shown opposite that ingredient in that table—the price set out in Appendix 1 under the heading “Category C” opposite the description and weight of the loaf; or

(d) in any other case—the price set out in Appendix 1 under the heading “Category A” opposite the description and weight of the loaf.

*Bread (Prices Determination).*SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

TABLE.

	Protein Increased Flour	..	..	..	..	15.4
5	Milk Solids	..	..	..	..	4.0
	Rye Flour	..	..	..	..	30.0
	Fibre	..	..	..	..	1.8

(3) For the purposes of subclause (1), the price that is specified in relation to a loaf of the bread sold by wholesale outside the Sydney Metropolitan Area is the price that is so specified in relation to a loaf of bread of the same kind sold by wholesale inside the Sydney Metropolitan Area, plus—

- 10 (a) where the bread is sold by wholesale in the Newcastle Area or the Wollongong Area—1 cent;
- 15 (b) where the bread is sold by wholesale in the No. 1 Area—3 cents; or
- 20 (c) where the bread is sold by wholesale in New South Wales outside the Sydney Metropolitan Area, the Newcastle Area, the Wollongong Area, the Broken Hill Area, the Menindee Area, the Wilcannia Area and No. 1 Area—2 cents.

(4) For the purposes of subclause (2), the basic formula, in relation to bread, is flour or wholemeal or a combination of flour and wholemeal, salt, yeast, water and improver.

3. (1) The maximum price at which a bread roll or a quantity of bread rolls may be sold by wholesale in New South Wales is the price that is computed from the price specified in relation to bread rolls of that type in Appendix 2. Maximum
wholesale
price of
bread
rolls.

(2) Where a computation under subclause (1) results in a maximum price that includes a fraction of a cent, that maximum price may be rounded up to the next highest whole cent.

Bread (Prices Determination).

SCHEDULE 2—continued.

MAXIMUM WHOLESALE PRICE OF BREAD—continued.

APPENDIX 1.

Cl. 2.

Maximum Price of Bread Sold by Wholesale—Sydney Metropolitan Area.

5	Description of loaf	Weight of loaf when sold	Price per loaf
<i>Category A—</i>			cents
10	Unwrapped ..	Not less than 900 grams, but less than 1 800 grams	52
	Wrapped ..	Not less than 900 grams, but less than 1 800 grams	54
	Sliced ..	Not less than 900 grams, but less than 1 800 grams	56
	Unwrapped ..	1 800 grams or more	103
	Wrapped ..	1 800 grams or more	105
	Sliced ..	1 800 grams or more	107
<i>Category B—</i>			
15	Unwrapped ..	Not less than 450 grams, but less than 680 grams ..	48
	Wrapped ..	Not less than 450 grams, but less than 680 grams ..	50
	Sliced ..	Not less than 450 grams, but less than 680 grams ..	52
20	Unwrapped ..	680 grams or more, but less than 900 grams ..	52
	Wrapped ..	680 grams or more, but less than 900 grams ..	54
	Sliced ..	680 grams or more, but less than 900 grams ..	56
	Unwrapped ..	900 grams or more	64
	Wrapped ..	900 grams or more	66
	Sliced ..	900 grams or more	68
<i>Category C—</i>			
25	Unwrapped ..	Not less than 450 grams, but less than 680 grams ..	52
	Wrapped ..	Not less than 450 grams, but less than 680 grams ..	54
	Sliced ..	Not less than 450 grams, but less than 680 grams ..	56
30	Unwrapped ..	680 grams or more	59
	Wrapped ..	680 grams or more	61
	Sliced ..	680 grams or more	63

*Bread (Prices Determination).*SCHEDULE 2—*continued.*MAXIMUM WHOLESALE PRICE OF BREAD—*continued.*

APPENDIX 2.

Cl. 3.

Maximum Price of Bread Rolls.

5	Description of bread rolls	Price per 6 (unwrapped)	Price per 6 (wrapped)
		cents	cents
	Small—not exceeding 55 grams when sold	55	57
10	Medium—exceeding 55 grams, but not exceeding 100 grams, when sold	61	63
	Large—exceeding 100 grams, but not exceeding 170 grams, when sold	79	81

BY AUTHORITY

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Article 1 (Section 1)

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Section 1

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Section 1

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