

# BREAD (AMENDMENT) ACT 1988 No. 106

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Bread Act 1969 No. 54
4. Repeal of Bread (Amendment) Act 1985 No. 214

SCHEDULE 1—AMENDMENTS

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**BREAD (AMENDMENT) ACT 1988 No. 106**

NEW SOUTH WALES



**Act No. 106, 1988**

An Act to amend the Bread Act 1969 so as to remove the restrictions that apply to the times when the baking and delivery of bread can occur; and to repeal the Bread (Amendment) Act 1985. [Assented to 21 December 1988]

*Bread (Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Bread (Amendment) Act 1988.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Bread Act 1969 No. 54**

3. The Bread Act 1969 is amended as set out in Schedule 1.

**Repeal of Bread (Amendment) Act 1985 No. 214**

4. The Bread (Amendment) Act 1985 is repealed.

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

- (1) Section 3 (**Repeals, amendments and savings**)—

Omit the section.

- (2) Part 2 (**Times for Baking and Delivery of Bread**)—

Omit the Part, insert instead:

**PART 2—DEREGULATION OF HOURS IN THE BREAD INDUSTRY****Definitions**

5. In this Part—

“award” means an award under the Industrial Arbitration Act 1940;

“employee” has the same meaning as in the Industrial Arbitration Act 1940;

“industrial agreement” means an industrial agreement made and filed under the Industrial Arbitration Act 1940;

“industrial tribunal” means the Commission, a conciliation committee, an apprenticeship conciliation committee, a conciliation commissioner or the conciliation commissioner for apprenticeships under the Industrial Arbitration Act 1940.

SCHEDULE 1—AMENDMENTS—*continued***Starting and ceasing times for bread manufacture and delivery**

6. (1) An industrial tribunal may not fix or provide for the fixing of—

- (a) starting times or ceasing times, or both, for the manufacture, preparation, making, baking or delivery of bread; or
- (b) periods during which bread may not be manufactured, prepared, made, baked or delivered.

(2) A provision of—

- (a) an award (whenever made); or
- (b) an industrial agreement (made and filed before the date of assent to the Bread (Amendment) Act 1988); or
- (c) an order or decision of an industrial tribunal (whenever made or given),

that fixes or provides for the fixing of such starting times or ceasing times or such periods (or that purports to do so) is of no effect.

**Certain wages to be regarded as ordinary pay**

7. (1) Where an award or industrial agreement prescribes the payment of additional wages to employees or apprentices for the performance of work before or after a time or times specified by the 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, or both, as part of the ordinary pay of those employees or apprentices.

(2) Subsection (1) does not apply to overtime prescribed by the award or industrial agreement as being payable for the performance of work in excess of a specified number of hours within a specified period.

**Saving of powers of industrial tribunals**

8. Subject to section 6, nothing in this Part—

- (a) derogates from or affects 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, or shall be taken as an expression or indication of intention that any such payments should or should not be so prescribed; or
- (b) derogates from or affects any other power or duty which an industrial tribunal would have had if this Part were not in force.

*Bread (Amendment) 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

- (3) Schedule 1 (**Repeal of Acts**) and Schedule 2 (**Amendment of Acts**)—  
Omit the Schedules.

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[*Minister's second reading speech made in—  
Legislative Assembly on 29 November 1988  
Legislative Council on 13 December 1988*]







FIRST PRINT

**BREAD (AMENDMENT) BILL 1988**

NEW SOUTH WALES

**EXPLANATORY NOTE**

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

Part 2 of the Bread Act 1969 currently provides for the fixing, by regulations under that Act, of starting and ceasing times for the making, baking and delivery of bread. It is an offence to make or bake bread, or to deliver bread, outside the hours so fixed.

The objects of this Bill are—

- (a) to amend the Bread Act 1969 so as to deregulate the making, baking and delivery of bread—
  - (i) by repealing the provisions of that Act that provide for the fixing of starting and ceasing times and that create the relevant offences; and
  - (ii) by enacting new provisions to preclude starting and ceasing times being fixed by awards etc.; and
- (b) to repeal the Bread (Amendment) Act 1985, which contains uncommenced amendments that provide for the issue of special licences for baking bread.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

**Clause 3** gives effect to the Schedule of amendments.

**Clause 4** repeals the Bread (Amendment) Act 1985.

**SCHEDULE 1—AMENDMENTS**

**Schedule 1 (2)** substitutes Part 2. The proposed Part 2 contains new sections 5–8.

**Definitions**

**Proposed section 5** defines the expressions “award”, “employee”, “industrial agreement” and “industrial tribunal” for the purposes of the proposed Part.

*Bread (Amendment) 1988*

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**Starting and ceasing times for bread manufacture and delivery**

**Proposed section 6** precludes an industrial tribunal from fixing, or providing for the fixing of—

- (a) starting times or ceasing times for the making, baking or delivery of bread;  
or
- (b) the periods during which bread may not be made, baked or delivered.

The proposed section further provides that a provision of an award (whenever made), of an existing industrial agreement or of an order or direction of an industrial tribunal (whenever made or given) that fixes, or provides for the fixing of, such times or such periods is of no effect.

**Certain wages to be regarded as ordinary pay**

**Proposed section 7** reproduces the provisions of existing section 6 (7) which allows an award or industrial agreement to require certain shift allowances to be regarded as ordinary pay for the purposes of the Annual Holidays Act 1944 and the Long Service Leave Act 1955.

**Saving of powers of industrial tribunals**

**Proposed section 8** expressly preserves such of the powers of an industrial tribunal as are not to be affected by proposed section 6.

**Schedule 1 (1) and (3)** repeal section 3, and Schedules 1 and 2, by way of statute law revision.

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# BREAD (AMENDMENT) BILL 1988

NEW SOUTH WALES



## TABLE OF PROVISIONS

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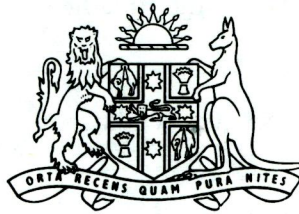
## SCHEDULE 1—AMENDMENTS

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# BREAD (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

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## A BILL FOR

An Act to amend the Bread Act 1969 so as to remove the restrictions that apply to the times when the baking and delivery of bread can occur; and to repeal the Bread (Amendment) Act 1985.

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*Bread (Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Bread (Amendment) Act 1988.

**Commencement**

- 5 2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Bread Act 1969 No. 54**

3. The Bread Act 1969 is amended as set out in Schedule 1.

**Repeal of Bread (Amendment) Act 1985 No. 214**

- 10 4. The Bread (Amendment) Act 1985 is repealed.

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

- (1) Section 3 (**Repeals, amendments and savings**)—

Omit the section.

- 15 (2) Part 2 (**Times for Baking and Delivery of Bread**)—

Omit the Part, insert instead:

**PART 2—DEREGULATION OF HOURS IN THE BREAD  
INDUSTRY**

**Definitions**

- 20 5. In this Part—

“award” means an award under the Industrial Arbitration Act 1940;

“employee” has the same meaning as in the Industrial Arbitration Act 1940;

- 25 “industrial agreement” means an industrial agreement made and filed under the Industrial Arbitration Act 1940;

- 30 “industrial tribunal” means the Commission, a conciliation committee, an apprenticeship conciliation committee, a conciliation commissioner or the conciliation commissioner for apprenticeships under the Industrial Arbitration Act 1940.

SCHEDULE 1—AMENDMENTS—*continued***Starting and ceasing times for bread manufacture and delivery**

6. (1) An industrial tribunal may not fix or provide for the fixing of—

- 5 (a) starting times or ceasing times, or both, for the manufacture, preparation, making, baking or delivery of bread; or
- (b) periods during which bread may not be manufactured, prepared, made, baked or delivered.
- 10 (2) A provision of—
- (a) an award (whenever made); or
- (b) an industrial agreement (made and filed before the date of assent to the Bread (Amendment) Act 1988); or
- (c) an order or decision of an industrial tribunal (whenever made or given).

15 that fixes or provides for the fixing of such starting times or ceasing times or such periods (or that purports to do so) is of no effect.

**Certain wages to be regarded as ordinary pay**

20 7. (1) Where an award or industrial agreement prescribes the payment of additional wages to employees or apprentices for the performance of work before or after a time or times specified by the 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,

25 or both, as part of the ordinary pay of those employees or apprentices.

(2) Subsection (1) does not apply to overtime prescribed by the award or industrial agreement as being payable for the performance of work in excess of a specified number of hours

30 within a specified period.

**Saving of powers of industrial tribunals**

8. Subject to section 6, nothing in this Part—

- 35 (a) derogates from or affects 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, or shall be taken as an expression or indication of intention that any such payments should or should not be so prescribed; or
- 40 (b) derogates from or affects any other power or duty which an industrial tribunal would have had if this Part were not in force.

*Bread (Amendment) 1988*

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SCHEDULE 1—AMENDMENTS—*continued*

- (3) Schedule 1 (**Repeal of Acts**) and Schedule 2 (**Amendment of Acts**)—  
Omit the Schedules.