

FIRST PRINT

## TRADE MEASUREMENT (AMENDMENT) BILL 1993

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The objects of this Bill are to amend the Trade Measurement Act 1989 so as to apply that Act to bread in the same way as it applies to other goods, and to amend the Bread Act 1969 by omitting its requirements as to standard loaf sizes and the information to be furnished on bread or packages of bread.

As a result of the amendments:

- (a) only pre-packed bread will be required to be marked with its weight; and
- (b) that weight will need to be expressed as net weight (instead of "nominal" weight as required under the existing Part 5 of the Bread Act 1969); and
- (c) it will be lawful to sell any size of loaf (whether packed or unpacked).

This Bill also consequentially repeals the Bread (Weights) Regulation 1977 and removes the provisions in the Bread Act 1969 conferring certain functions on weights and measures inspectors (i.e. inspectors under the trade measurement legislation). Those inspectors will now derive their functions in relation to bread from the trade measurement legislation as they do in relation to other goods.

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

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

**Clause 3** gives effect to the Schedule of amendments to the Trade Measurement Act 1989.

**Clause 4** gives effect to the Schedule of amendments to the Bread Act 1969.

**Clause 5** repeals the Bread (Weights) Regulation 1977 as a consequence of the other amendments.

*Trade Measurement (Amendment) 1993*

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**Schedule 1** amends the Trade Measurement Act 1989 by omitting section 6 (3) which currently excludes bread from the operation of that Act and by inserting a transitional provision.

**Schedule 2** makes the amendments to the Bread Act 1969 described above.

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**TRADE MEASUREMENT (AMENDMENT) BILL 1993**

NEW SOUTH WALES



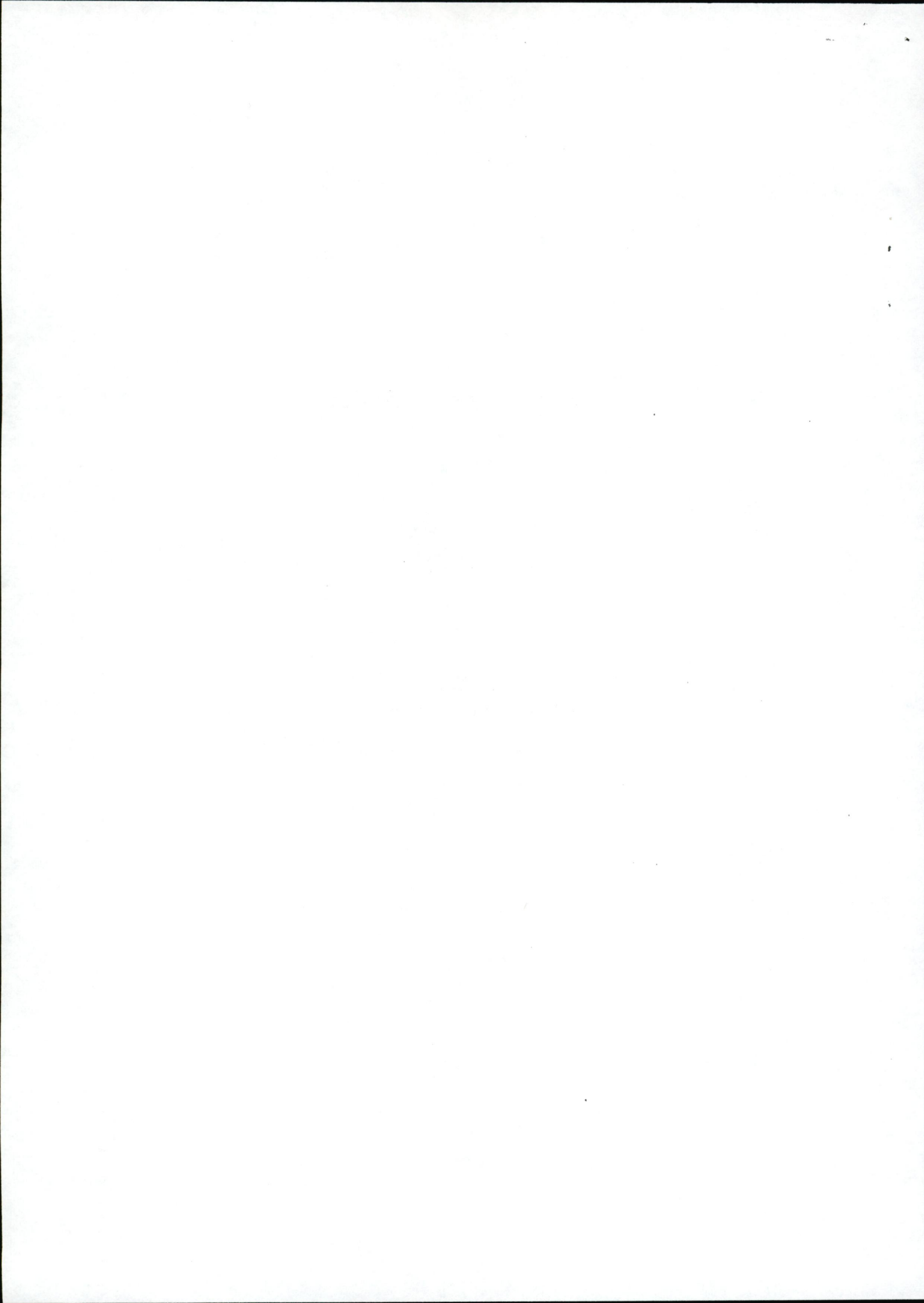
**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Trade Measurement Act 1989 No. 233
4. Amendment of Bread Act 1969 No. 54
5. Repeal of Bread (Weights) Regulation 1977

SCHEDULE 1—AMENDMENT OF TRADE MEASUREMENT ACT 1989

SCHEDULE 2—AMENDMENT OF BREAD ACT 1969

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**TRADE MEASUREMENT (AMENDMENT) BILL 1993**

**NEW SOUTH WALES**



No. , 1993

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**A BILL FOR**

An Act to amend the Trade Measurement Act 1989 to apply that Act to bread; to make consequential amendments to the Bread Act 1969; and for other purposes.

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*Trade Measurement (Amendment) 1993*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Trade Measurement (Amendment) Act 1993.

**5 Commencement**

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

**Amendment of Trade Measurement Act 1989 No. 233**

3. The Trade Measurement Act 1989 is amended as set out in Schedule 1.

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

4. The Bread Act 1969 is amended as set out in Schedule 2.

**Repeal of Bread (Weights) Regulation 1977**

5. The Bread (Weights) Regulation 1977 is repealed.

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**SCHEDULE 1—AMENDMENT OF TRADE MEASUREMENT  
ACT 1989**

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(Sec. 3)

(1) Section 6 (**Exemptions from Act**):

Omit section 6 (3).

(2) Section 82 and Schedule 1:

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After section 81, insert:

**Savings and transitional provisions**

82. Schedule 1 has effect.

**SCHEDULE 1—SAVINGS AND TRANSITIONAL  
PROVISIONS**

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(Sec. 82)

**Pre-packed bread**

1. The amendments made to the Bread Act 1969 and to this Act by the Trade Measurement (Amendment) Act 1993 do not apply to bread packed before the commencement of



*Trade Measurement (Amendment) 1993*

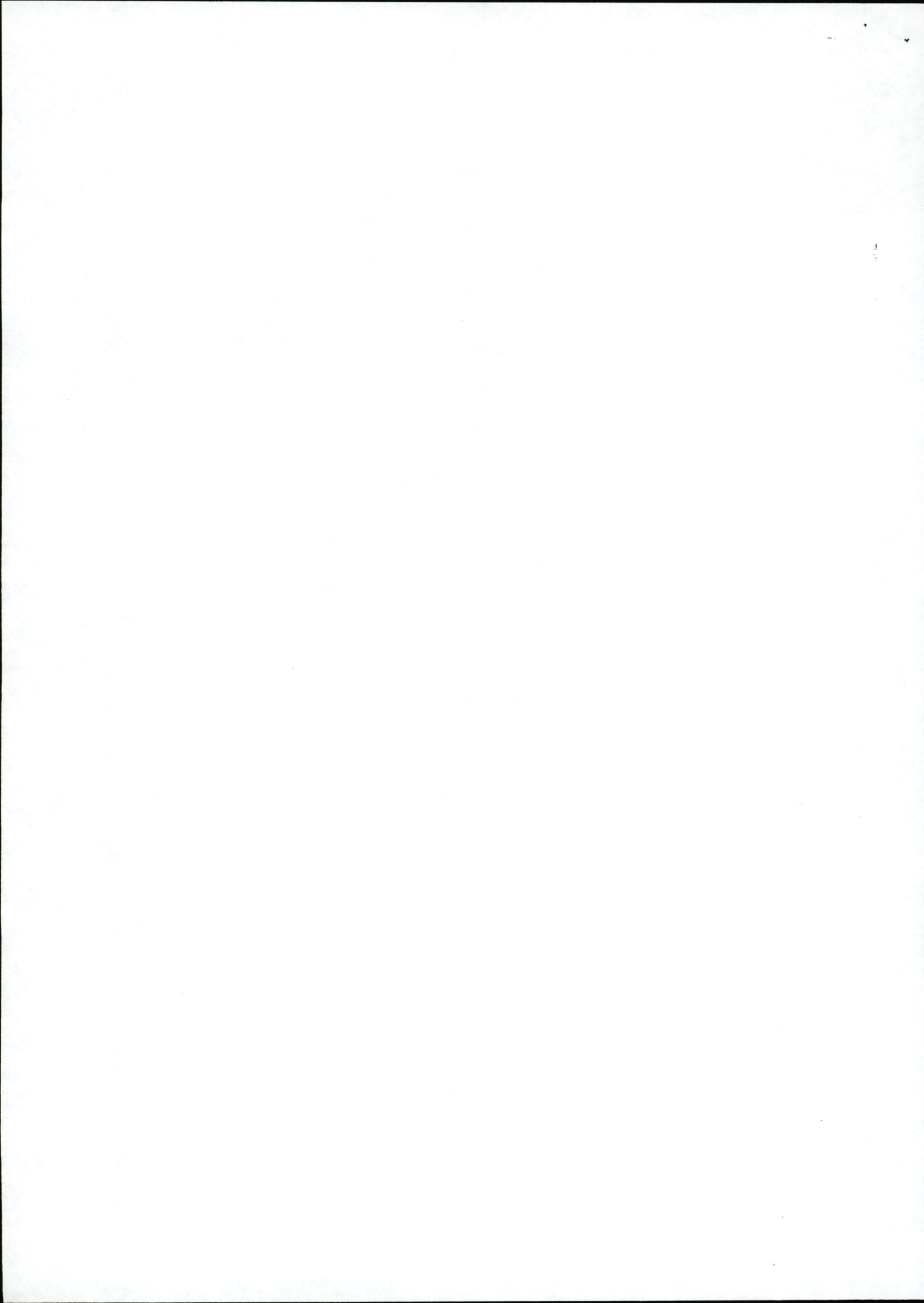
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**SCHEDULE 1—AMENDMENT OF TRADE MEASUREMENT ACT  
1989—*continued***

those amendments and the Bread (Weights) Regulation 1977  
continues to apply to bread so packed.

**SCHEDULE 2—AMENDMENT OF BREAD ACT 1969** 5  
(Sec. 4)

- (1) Long title:  
Omit “, standard denominations or sizes of bread loaves,”.
- (2) Section 4 (**Definitions**):  
From section 4 (1), omit the definition of “weights and  
measures inspector” 10
- (3) Part 5 (**Bread—Weights**: ss. 19–19F):  
Omit the Part.
- (4) Section 24 (**Powers of inspectors**):
- (a) From section 24 (1), omit “(other than Part 5)” wherever  
occurring. 15
  - (b) From section 24 (1), omit “(other than regulations made for  
the purposes of that Part)” wherever occurring.
  - (c) Omit section 24 (2).
  - (d) From section 24 (3), (4), (5) and (8), omit “or a weights and  
measures inspector” wherever occurring. 20
  - (e) From section 24 (4), omit “or weights and measures  
inspector, as the case may be”.
  - (f) From section 24 (7), omit “and weights and measures  
inspector” 25
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**TRADE MEASUREMENT (AMENDMENT) BILL 1993**

**SECOND READING SPEECH**

**LEGISLATIVE COUNCIL**

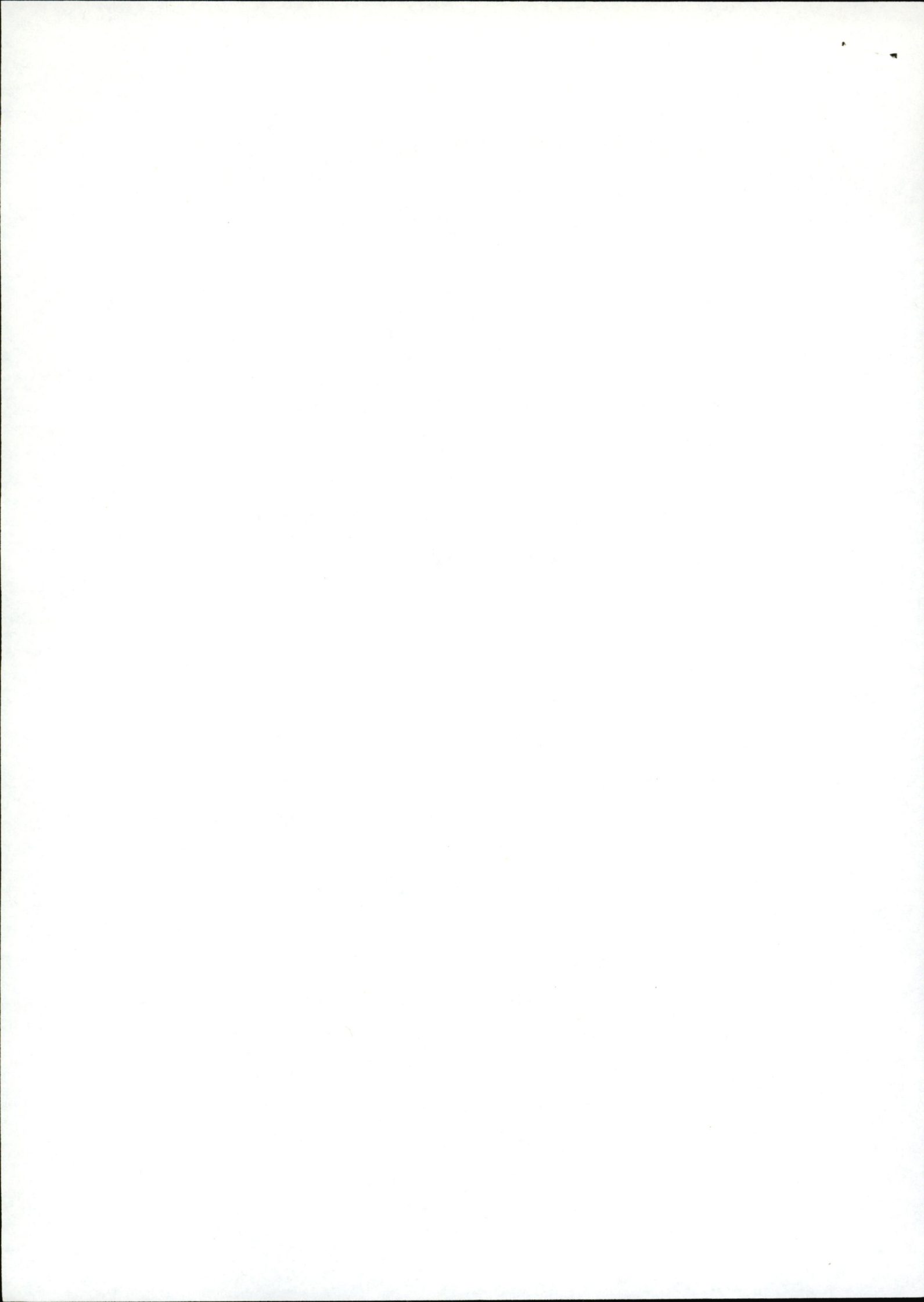
MR PRESIDENT

I move that this Bill be now read a second time.

The Commonwealth, State and Territory Governments have agreed that there should be uniform trade measurement laws in order to promote commercial certainty and bring about a reduction in business costs and greater efficiency in the trade measurement industry that services the marketplace.

The Trade Measurement Act 1989 commenced in New South Wales on 1 July 1991 as part of the scheme for uniform trade measurement legislation. Section 6(3) of the NSW Trade Measurement Act 1989 explicitly exempts bread from the ambit of the legislation. Bread was excluded from the operation of the Uniform Trade Measurement Legislation because State and Territory trade measurement authorities were unable to agree upon the appropriate mechanism for determining bread weight. Industry was also divided on this issue.

In the absence of uniform standards, State and Territory jurisdictions have been forced to introduce or retain specific bread legislation. Presently, Part V of the Bread Act 1969 and the Bread (Weights) Regulation 1977 prescribe the weights and measures requirements for the baking and sale of bread in New South Wales. The Act provides that packed and unpacked bread be baked in

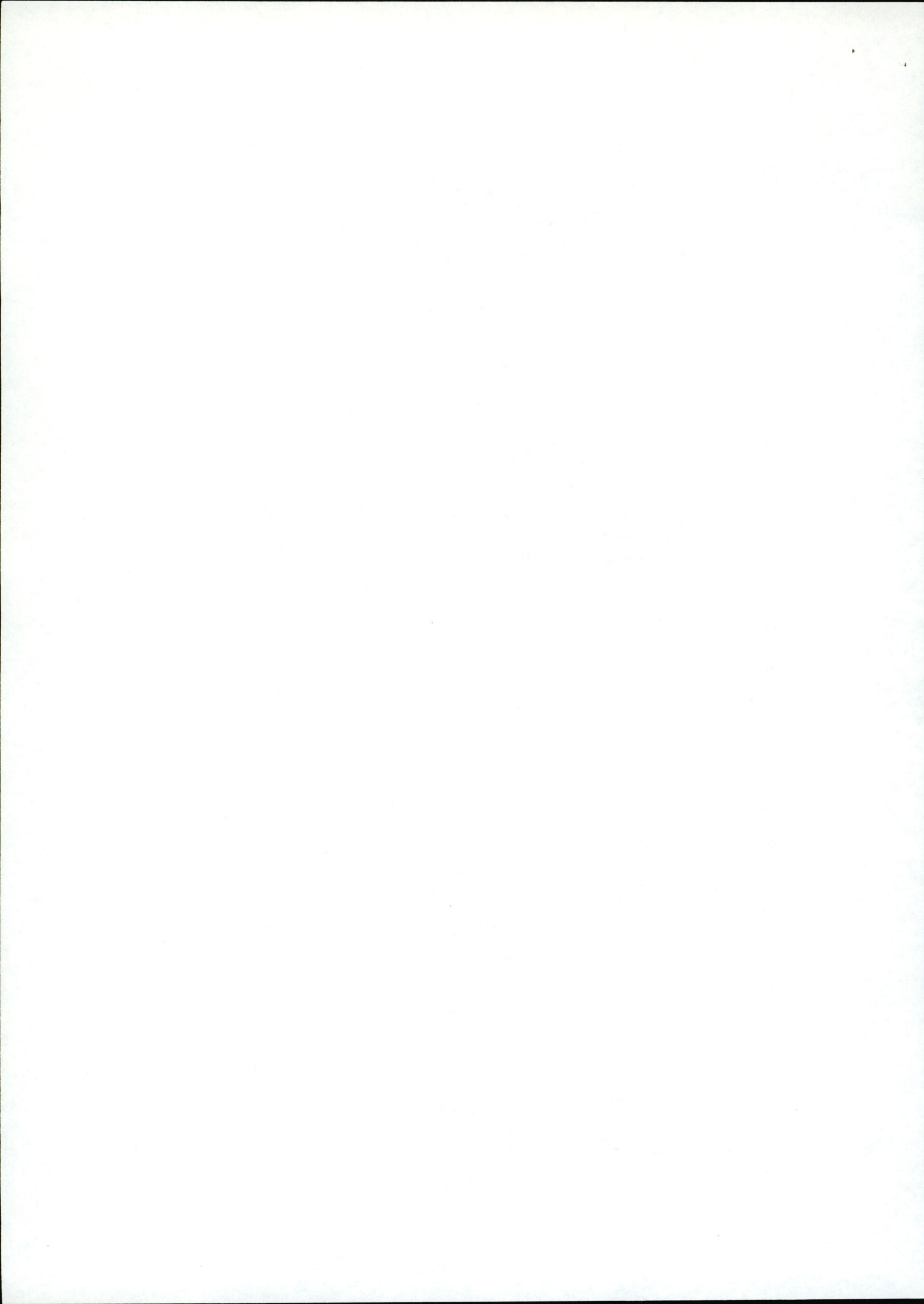


standard loaf sizes prescribed under the regulations. The Regulation establishes a range of loaf sizes for which bread must be baked. The Regulation also requires packed and unpacked bread to be marked with its nominal weight and carry a range of descriptive markings.

The bread requirements in each jurisdiction are currently not uniform. This means that bakers have been subjected to a system where requirements for the marking of bread and size of loaves vary markedly from jurisdiction to jurisdiction. This imposed unwarranted production and administrative costs on industry. National bakers are currently required to have different packages and different moulds for each jurisdiction. This situation also adds to the costs of conducting training programs for staff. Mutual recognition has assisted bakeries which produce bread in only one State for sale in another State, but has not assisted the national bakeries who produce bread in a number of States.

The Ministerial Council for Consumer Affairs resolved at its meeting of 30 July 1993 that bread should be regulated under the uniform trade measurement legislation. The implication of this resolution is that all States will repeal their respective bread legislation and provisions exempting bread from the uniform legislation will be deleted.

Clause 3 of the Bill before the House gives effect to the Schedule of amendments to the Trade Measurement Act 1989 encapsulated in Schedule 1. Schedule 1 repeals section 6(3) of the Trade Measurement Act 1989. Schedule 1 also inserts a savings and





transitional provision which ensures that bread packed before, but sold after the commencement of this Bill does not have to comply with the new requirements.

Clause 4 of the Bill gives effect to the schedule of amendments to the Bread Act 1969 contained in Schedule 2. The most important features of the amendment in Schedule 2 are the repeal of Part V of the Bread Act which relates to bread weights and the removal of any powers granted to weights and measures inspectors under section 24. These powers are unnecessary as the requisite inspectorial powers are provided under the Trade Measurement Act.

Clause 5 of the Bill will repeal the Bread (Weights) Regulation 1977.

The overall effect of these amendments will be to make bread subject to the provisions of the uniform trade measurement legislation and remove any specific State legislation appertaining to bread. The legislation will require bread to carry a weight marking and there will be no standard loaf sizes.

In essence, these amendments intend bread to be regulated in the same way as other products. That is, if packed, bread will require an actual weight marking, rather than the current requirement for "nominal weight". In a nominal weight system, the dry matter of the bread must represent 60 percent of the nominal weight marked on the loaf. Nominal weight does not represent the actual weight of the loaf.





Unpacked bread will be deregulated unless it is sold by reference to weight. In this case, the price will need to correspond with the true measurement. It is unlikely that bread rolls will be regulated. Firstly bread rolls are usually sold unpacked; and secondly, the Trade Measurement (Pre-packed Articles) Regulation 1991 excludes products which are ordinarily sold by number and are packed in a transparent package. This exemption would normally apply to bread rolls.

The proposed amendments will benefit business and consumers. The most important benefit for industry is that uniform standards will apply.

Small business will be assisted by the reduced regulatory controls: no standard package sizes will permit greater flexibility and provide incentive for better product innovation. Because the small baker is the primary producer of unpacked bread, small business will gain from the deregulation of unpacked loaves.

The net weight marking on bread will provide the consumer with an accurate description of the weight of the bread. The nominal weight marking which currently applies gives no real indication of what is being purchased.

I commend this bill to the House.

