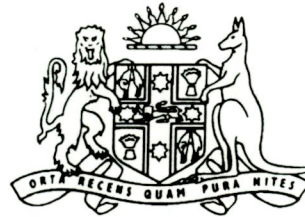


First print



New South Wales

Bread Repeal Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to repeal the *Bread Act 1969*, references to that Act and legislation amending that Act.

Outline of provisions

Clause 1 sets out the name (also called 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 is a formal provision that gives effect to the repeals set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments set out in Schedule 2.

Bread Repeal Bill 1995

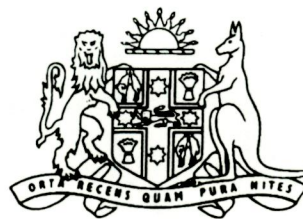
Explanatory note

Schedules

Schedule 1 repeals the *Bread Act 1969* and the *Bread (Amendment) Act 1979*.

Schedule 2 omits references and provisions relating to the *Bread Act 1969* from various Acts.

First print



New South Wales

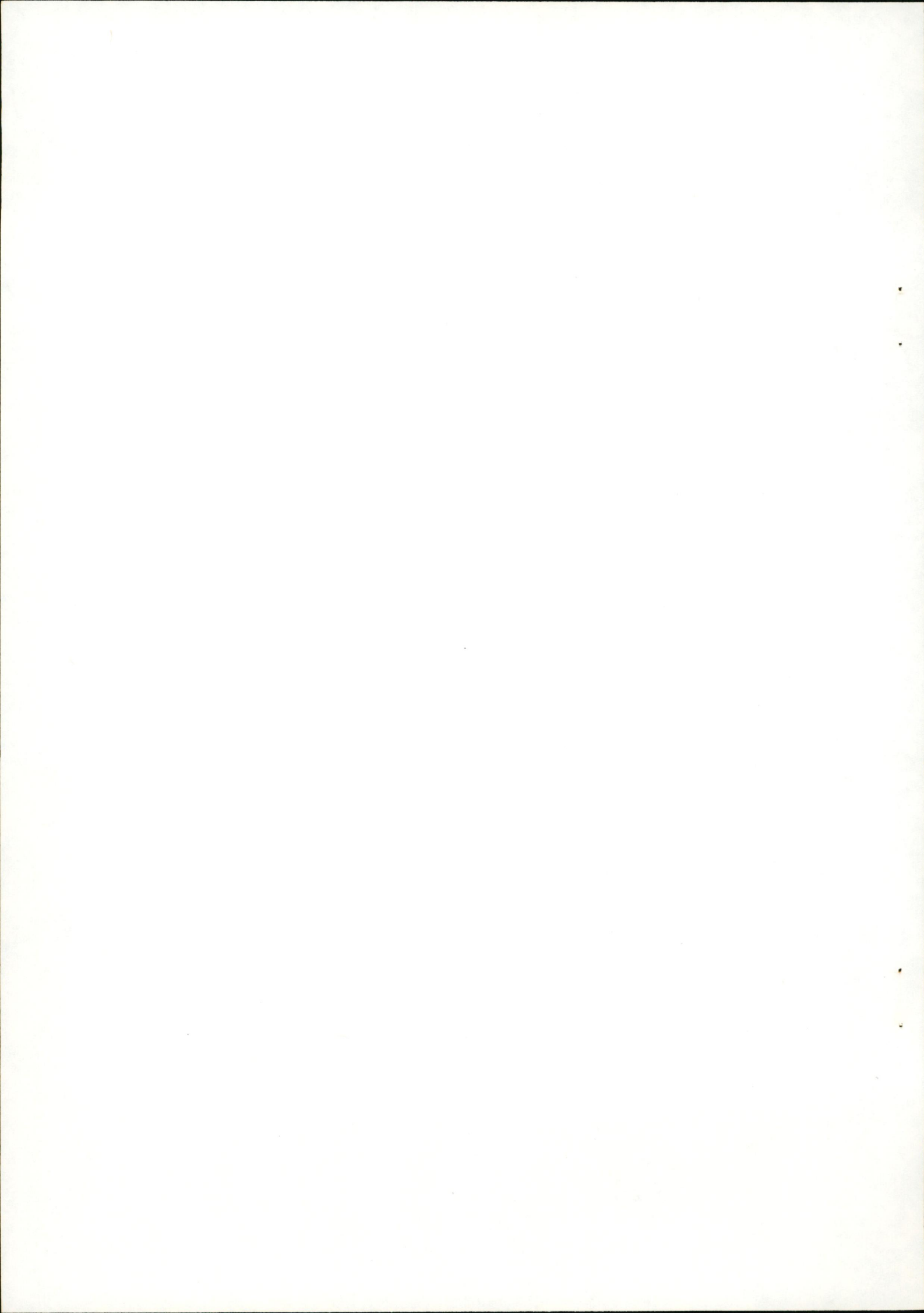
Bread Repeal Bill 1995

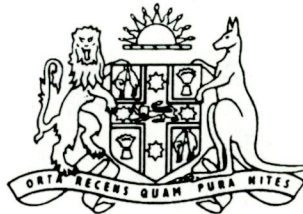
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Schedules

1 Repeals	3
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New South Wales

Bread Repeal Bill 1995

No. , 1995

A Bill for

An Act to repeal the *Bread Act 1969*, and to make other consequential repeals and amendments.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Bread Repeal Act 1995*.

2 Commencement

This Act commences on a day to be appointed by proclamation. 5

3 Repeals

Each Act specified in Schedule 1 is repealed.

4 Amendments

Each Act specified in Schedule 2 is amended.

Bread Repeal Bill 1995

Repeals

Schedule 1

Schedule 1 Repeals

(Section 3)

Bread Act 1969 No 54

Bread (Amendment) Act 1979 No 163

Schedule 2 Amendments

(Section 4)

2.1 Business Licences Act 1990 No 72

[1] Schedule 1 Business licences to which Act applies

Omit item 6, Part 1.

5

[2] Schedule 3 Amendment of other Acts

Omit the matter relating to the *Bread Act 1969*.

2.2 Factories, Shops and Industries Act 1962 No 43

Section 100 Powers of inspectors

Omit section 100 (5).

10

2.3 Industrial Relations Act 1991 No 34

Section 736 Jurisdiction of Chief and other Industrial Magistrates

Omit "*Bread Act 1969*" from section 736 (1).

2.4 Trade Measurement Act 1989 No 233

15

[1] Section 82 Savings and transitional provisions

Omit the section.

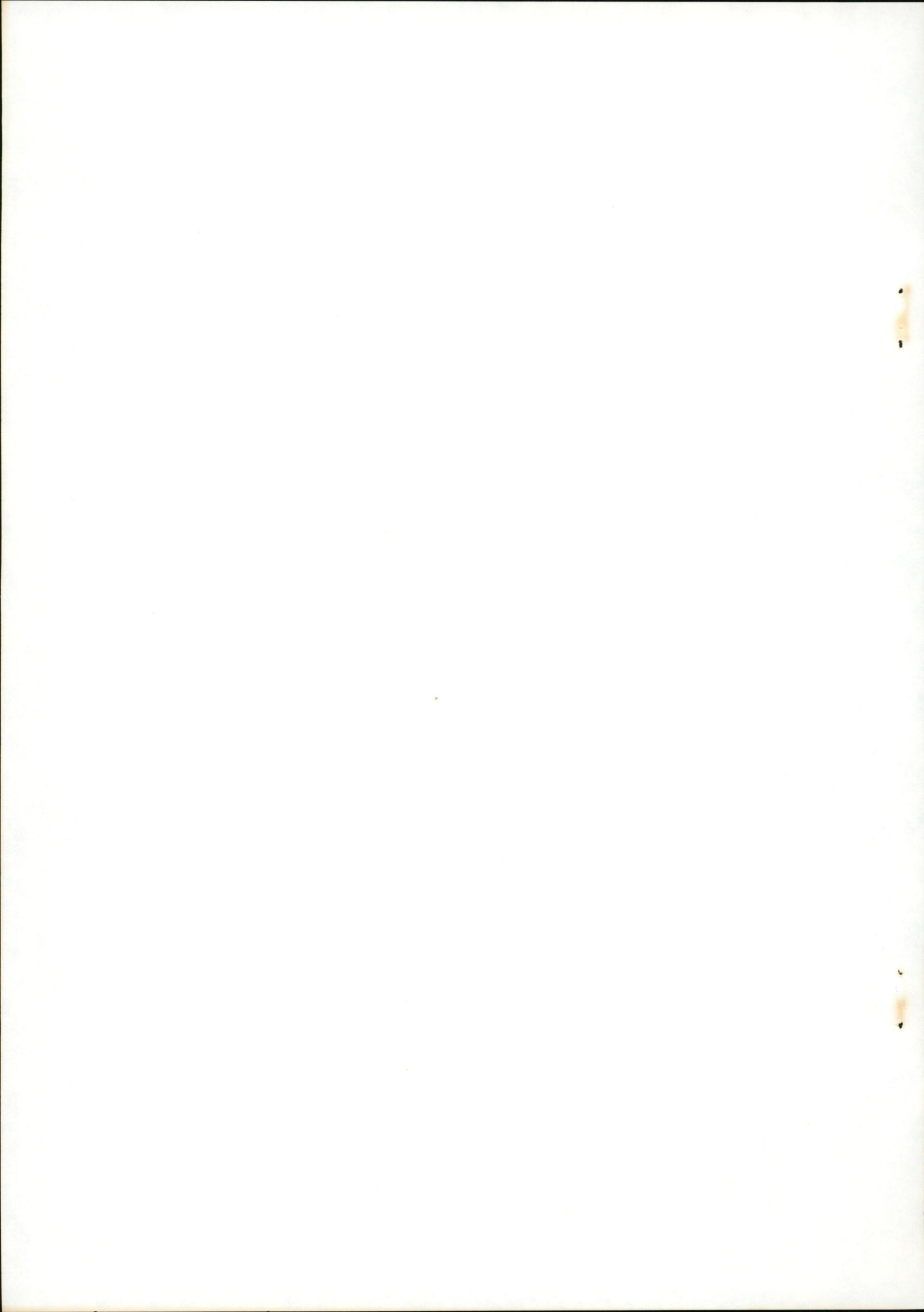
Bread Repeal Bill 1995

Amendments

Schedule 2

[2] Schedule 1 Savings and transitional provisions

Omit the Schedule.

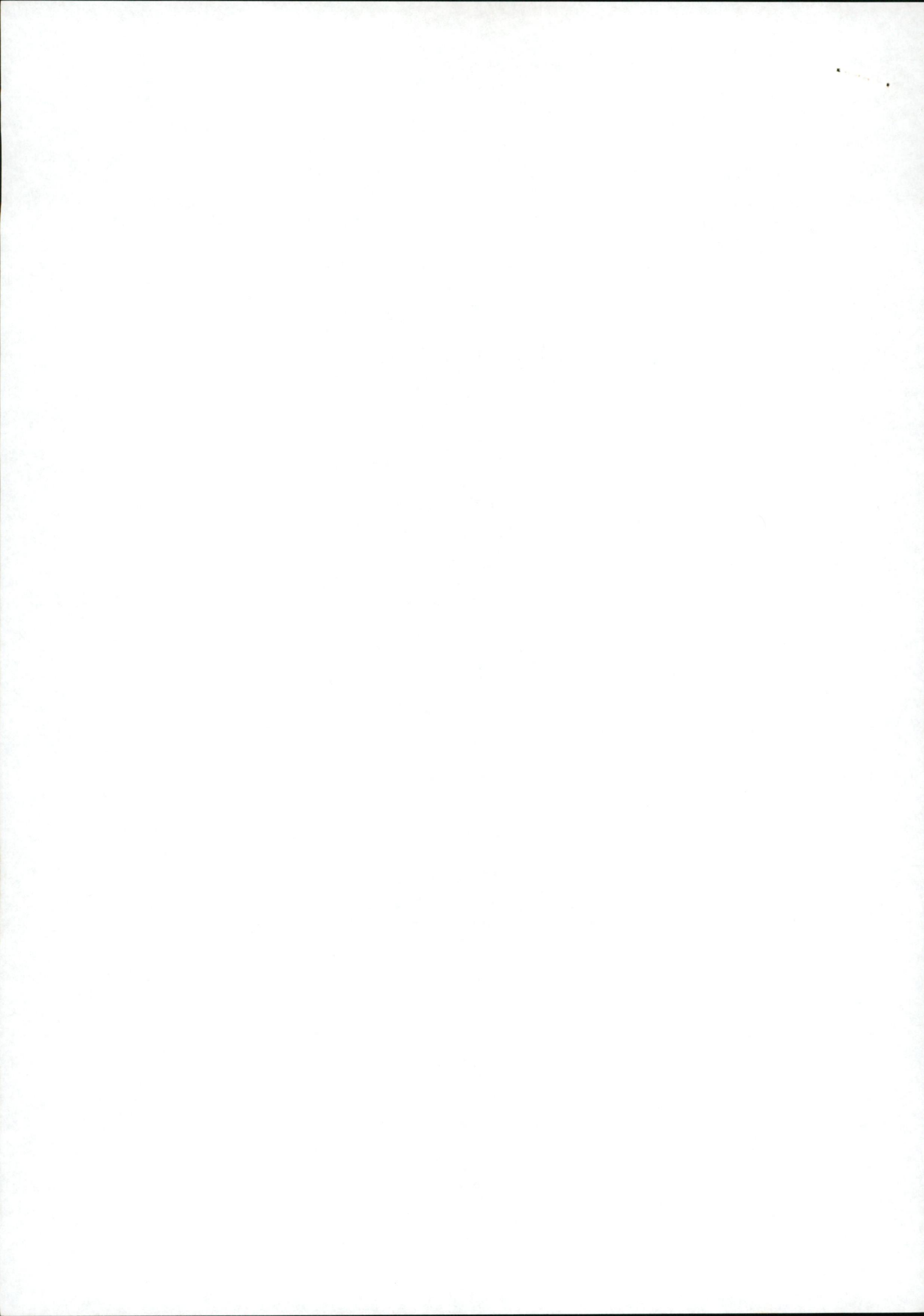


BREAD REPEAL BILL 1995

SPEECH NOTES FOR MINISTER'S

SECOND READING SPEECH

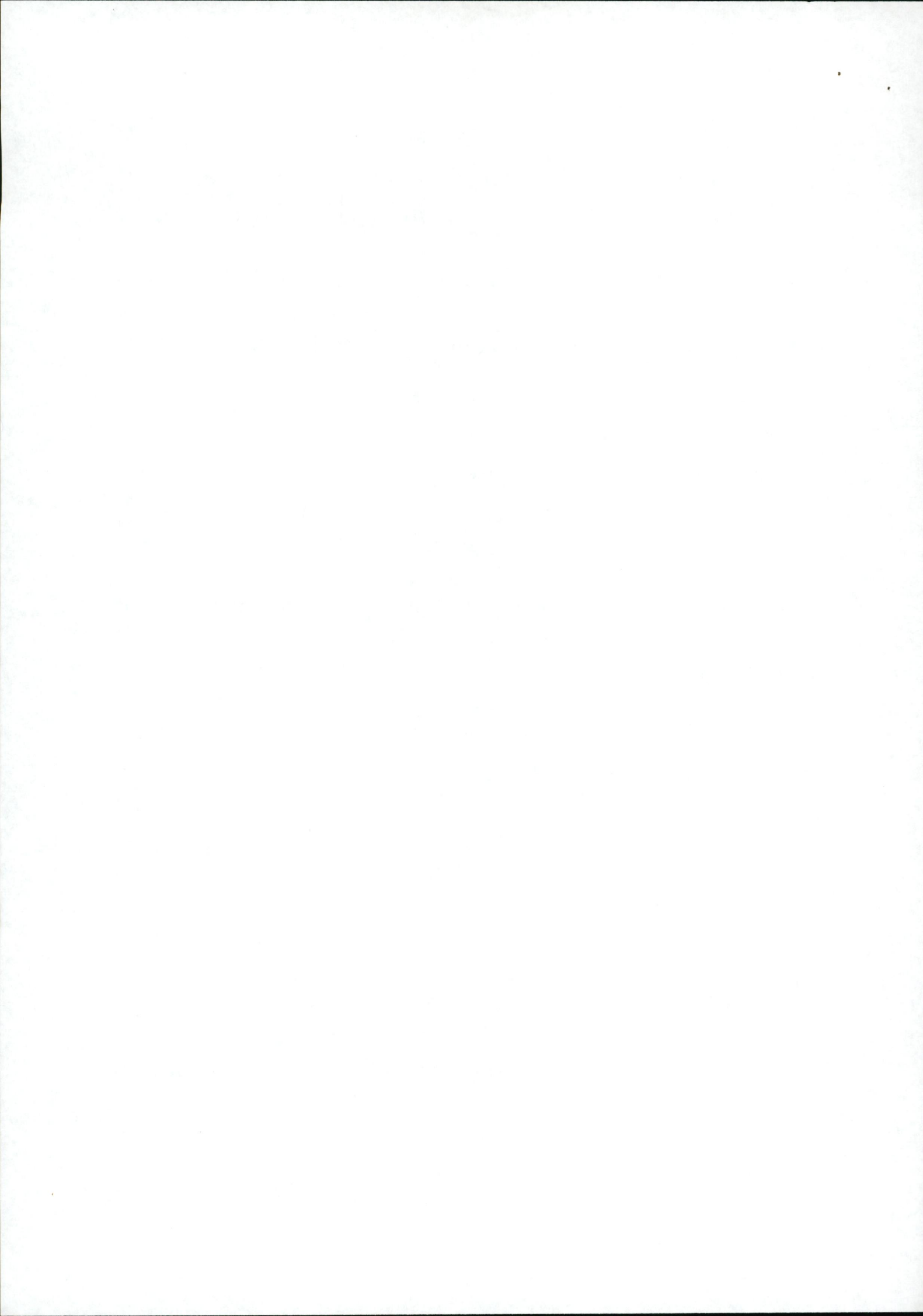
LEGISLATIVE COUNCIL



Mr President, in April 1995, the then Heads of Government of all of the States, Territories and the Commonwealth agreed to implement jointly a national competition policy package.

That historic decision commits the New South Wales Government to a range of initiatives including a requirement to review and, where appropriate, reform all legislation that restricts competition.

Moreover, Governments across Australia have also indicated concern about inconsistencies in the treatment of occupations which are regulated in some but not all States and Territories. Such inconsistent treatment is seen as working against the achievement of a single national market for services through a policy of mutual recognition.



2.

Indeed, Mr President, at the Premiers and Chief Ministers meeting in November 1991, it was agreed that registration of all “partially registered occupations” (that is, those occupations which are registered or licensed in some but not all States and Territories) should be removed unless there is overwhelming evidence for retention.

Premiers and Chief Ministers sought a review of those occupations and concluded that the key criterion for deciding to remove registration requirements was an assurance that self-regulation would not pose a risk to public health and safety.

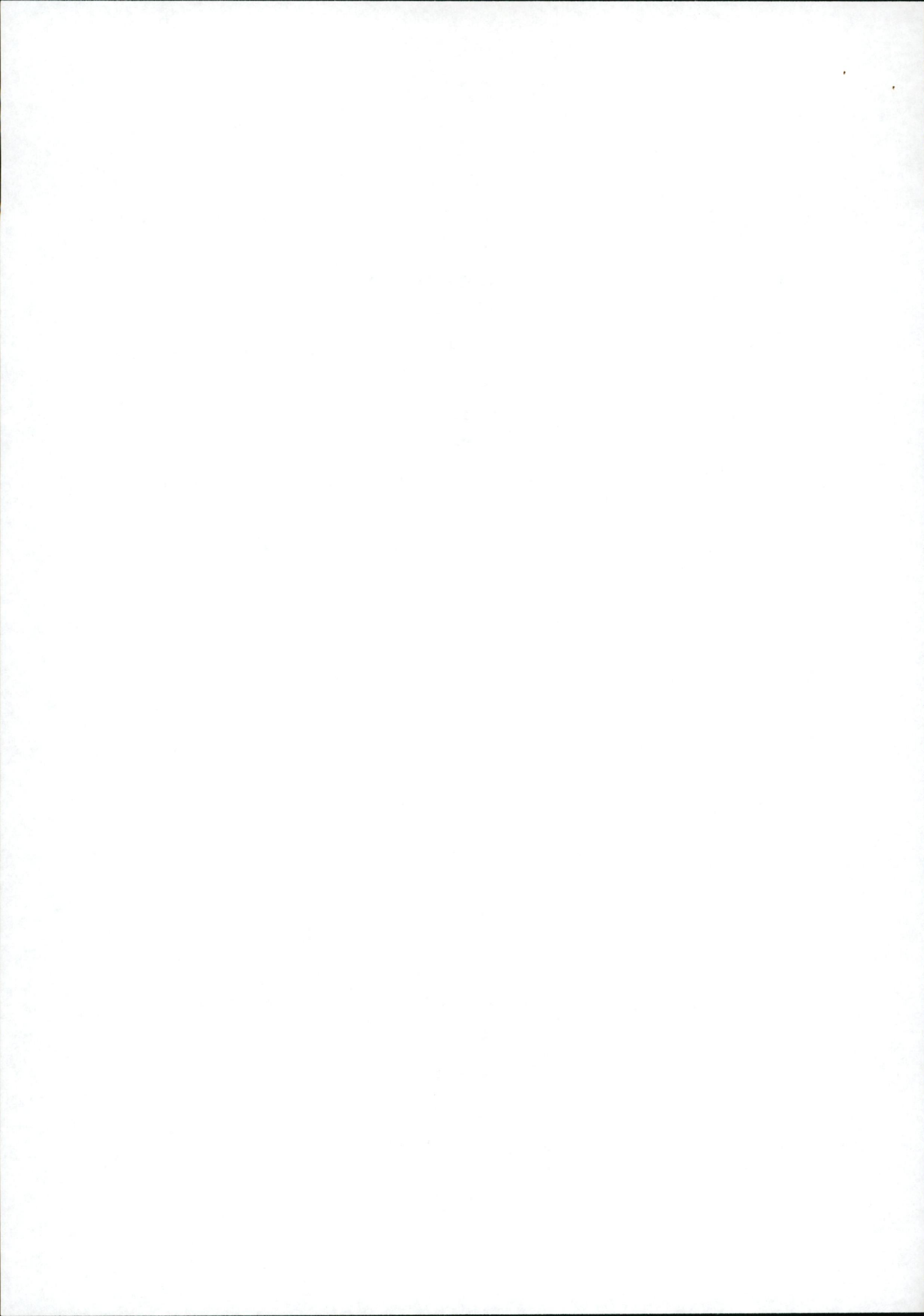
The category of baker is one such occupation specifically recommended for deregistration under a national review conducted by the Vocational Education, Employment and Training Advisory Committee (VEETAC) Working Party on Mutual Recognition.

3.

Indeed, being a Government firmly committed to removing unnecessary business impediments, an internal review of legislation administered by the Department of Industrial Relations has concluded that the whole of the Bread Act 1969 is indeed appropriate for repeal. Hence, Mr President, the Bill now before this House - the Bread Repeal Bill 1995.

Mr President, in introducing the Bread Bill in 1969, the then Minister for Labour and Industry, the Honourable Mr (as he then was) Eric Willis, succinctly observed -

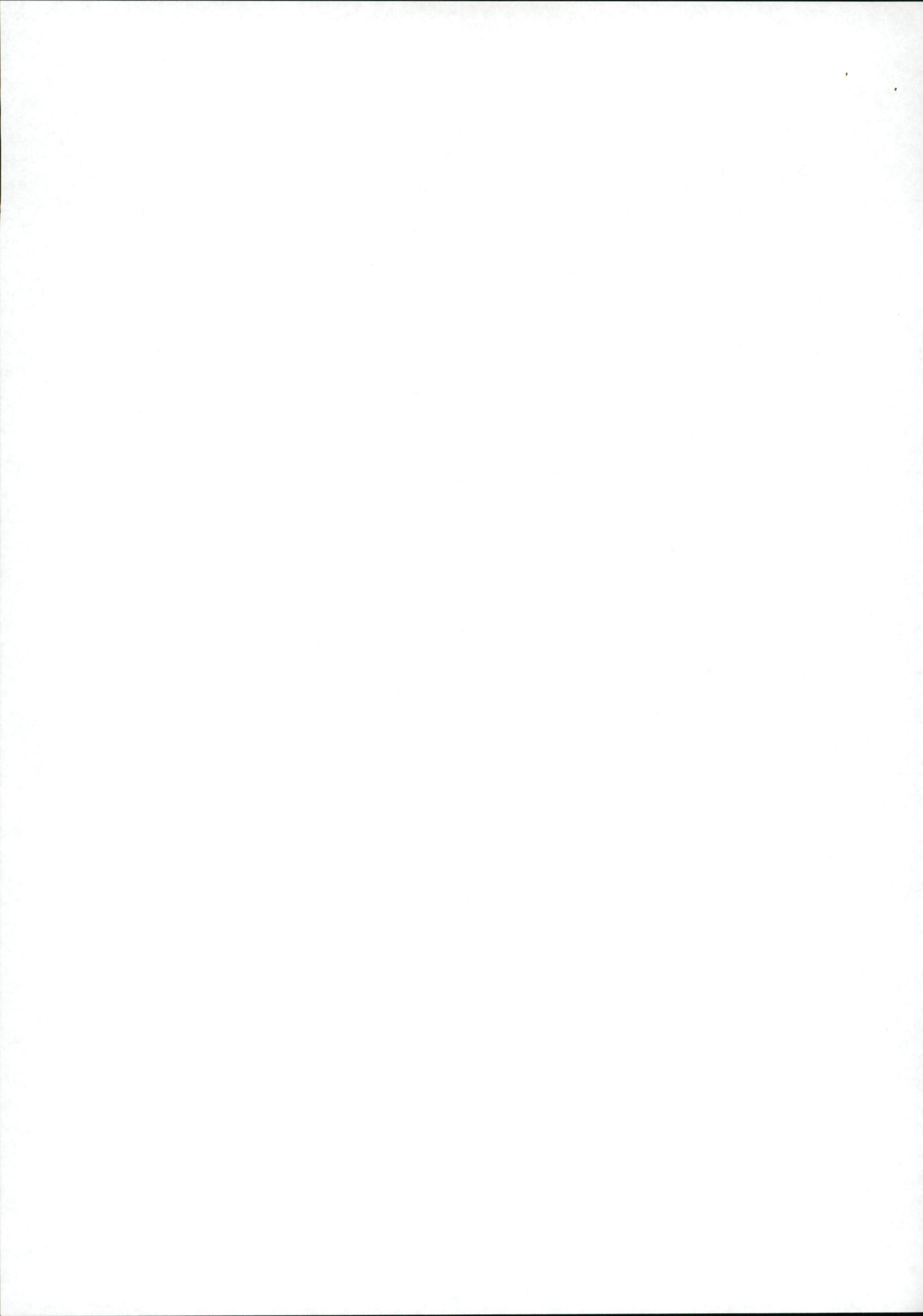
“Legislators should keep themselves constantly aware of the everchanging processes and activities of society and be willing and prepared to review legislation in the light of changing circumstances.”.



4.

With this thought in mind, Mr President, it is clear to this Government that what remains of the Bread Act - after earlier legislative amendment exercises - is either redundant or simply out-of-kilter with the necessary micro-economic reform advances of the 1990s.

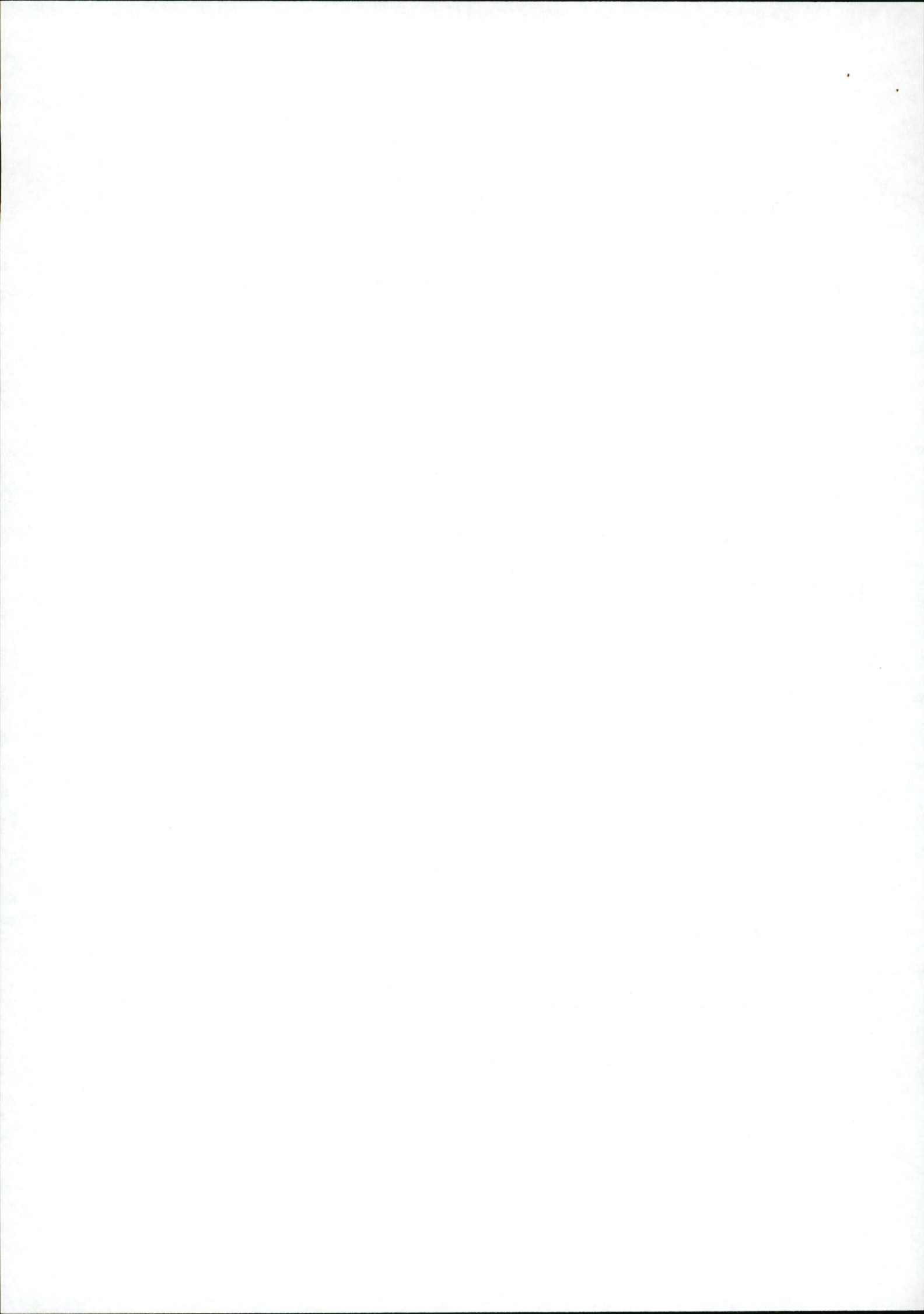
The area of the Act of most current significance is Part 3, which governs the issuing of operative bakers' certificates and bread manufacturers' licences.



5.

Consultation between the Department of Industrial Relations and the Australian Liquor, Hospitality and Miscellaneous Workers Union, the Chamber of Manufactures of New South Wales and the Baking Industry Association of NSW has resulted in general agreement that bread manufacturers' licences have become redundant following deregulation of baking and delivery hours, the abolition of bread zoning and the regulation of bakeries under provisions concerning bread in the Food Standards Code operating under the Food Act 1989.

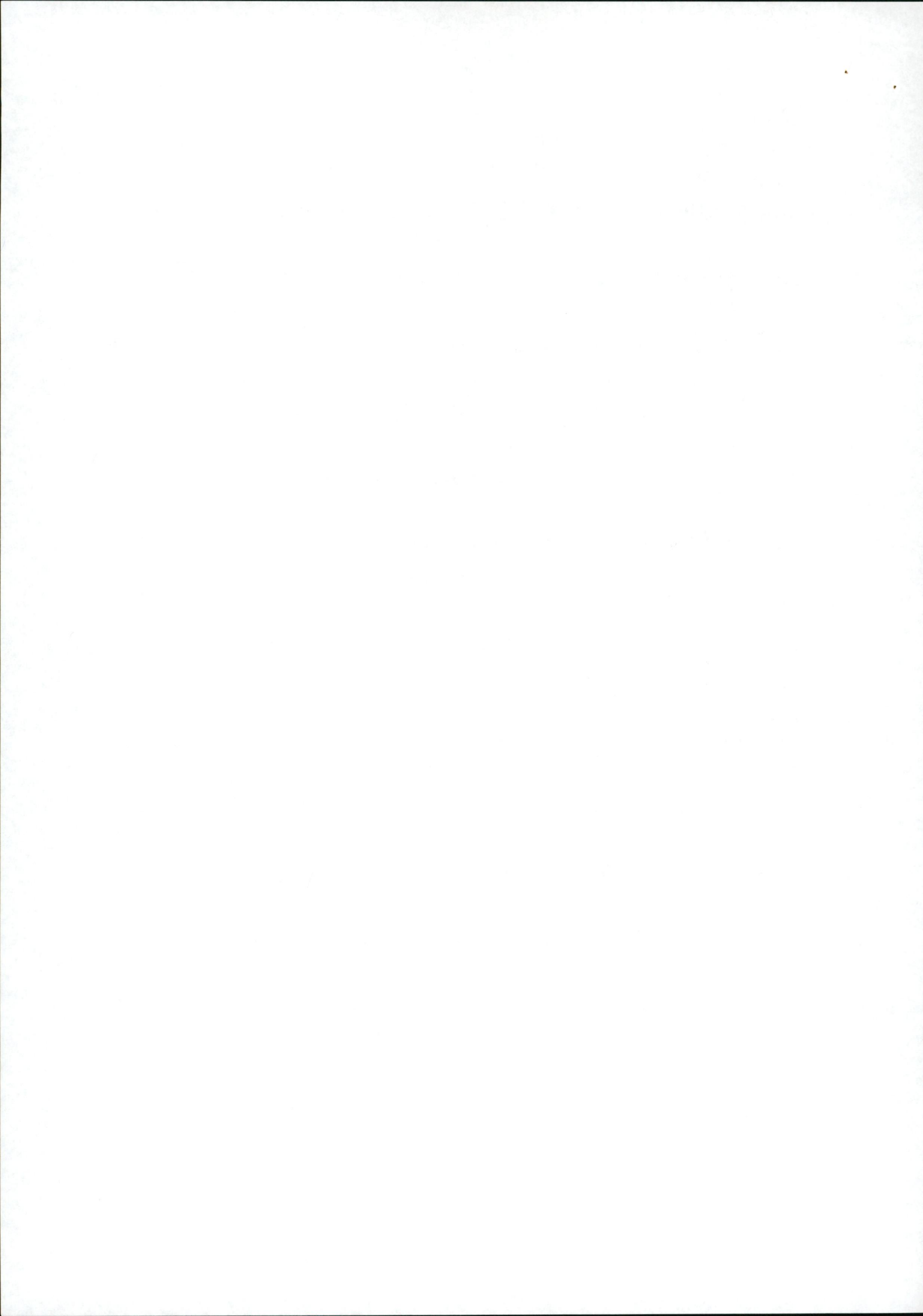
Mr President, as put to the Government in representations received from the Chamber of Manufactures of NSW, the continuation of bread manufacturers' licences does "little but identify the number of manufacturers in the industry".



6.

Well, Mr President, only 752 licences - renewable annually at \$20 - are currently in force. I impress upon Honourable Members that this figure does not reflect the large number of bread manufacturers, including small hot bread shops, supermarket and in-store bakeries, operating in the State. A clear trend towards smaller bakeries failing to apply for licences is evident.

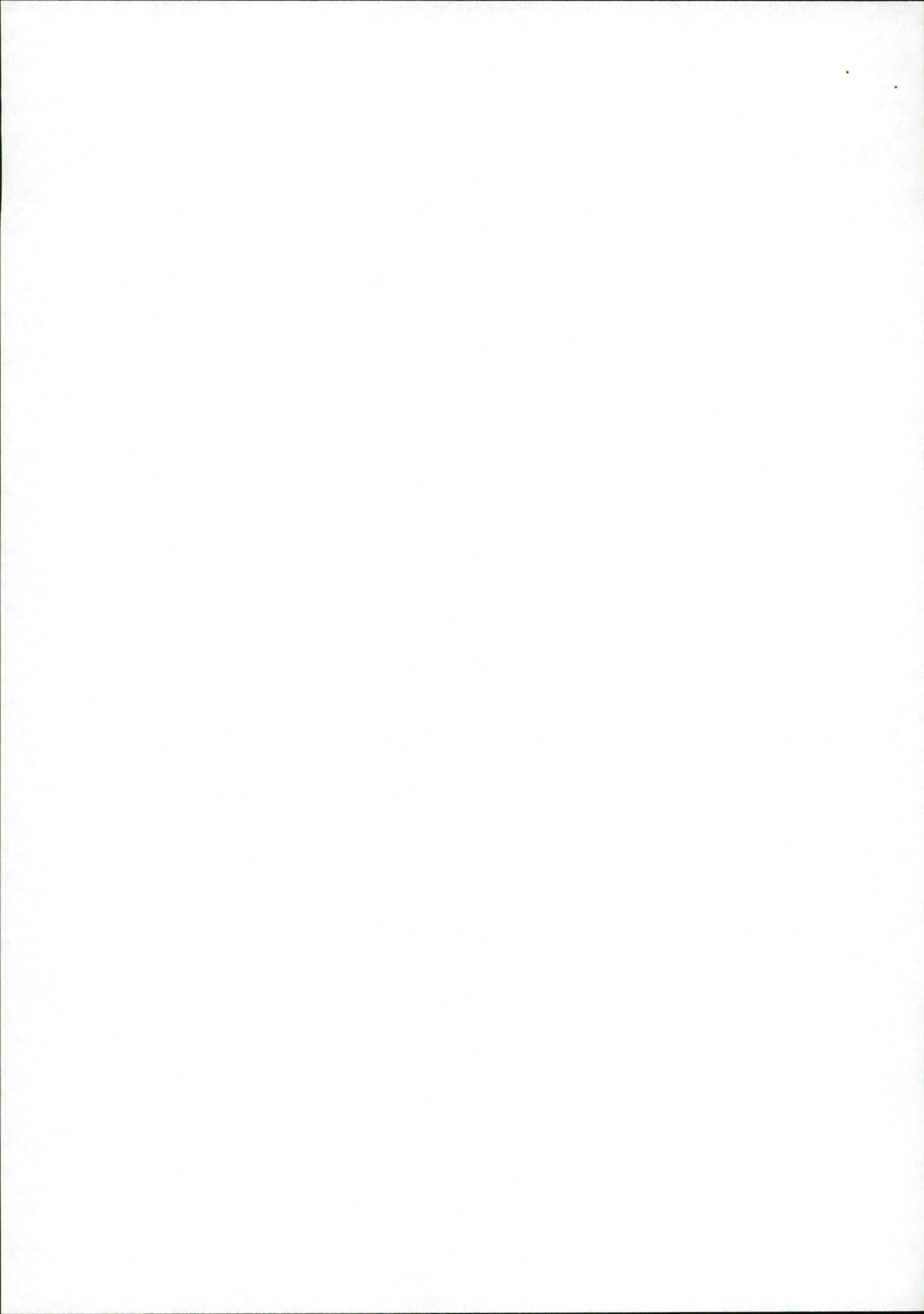
In summary, the administration of bread manufacturers' licences represents an unnecessary cost to the Government in that neither industry, the Government nor the public would appear to benefit from the enforcement of these provisions. Certainly, the Department of Industrial Relations no longer has any practical use for the statistical information acquired.



7.

Mr President, Section 13 of the Bread Act concerns the issue of operative bakers' certificates. A certificate is issued to a person who is "fit and proper" and who has either completed an apprenticeship or TAFE examinations, or possesses the prescribed qualifications, being 4 years' on-the-job experience as an operative baker.

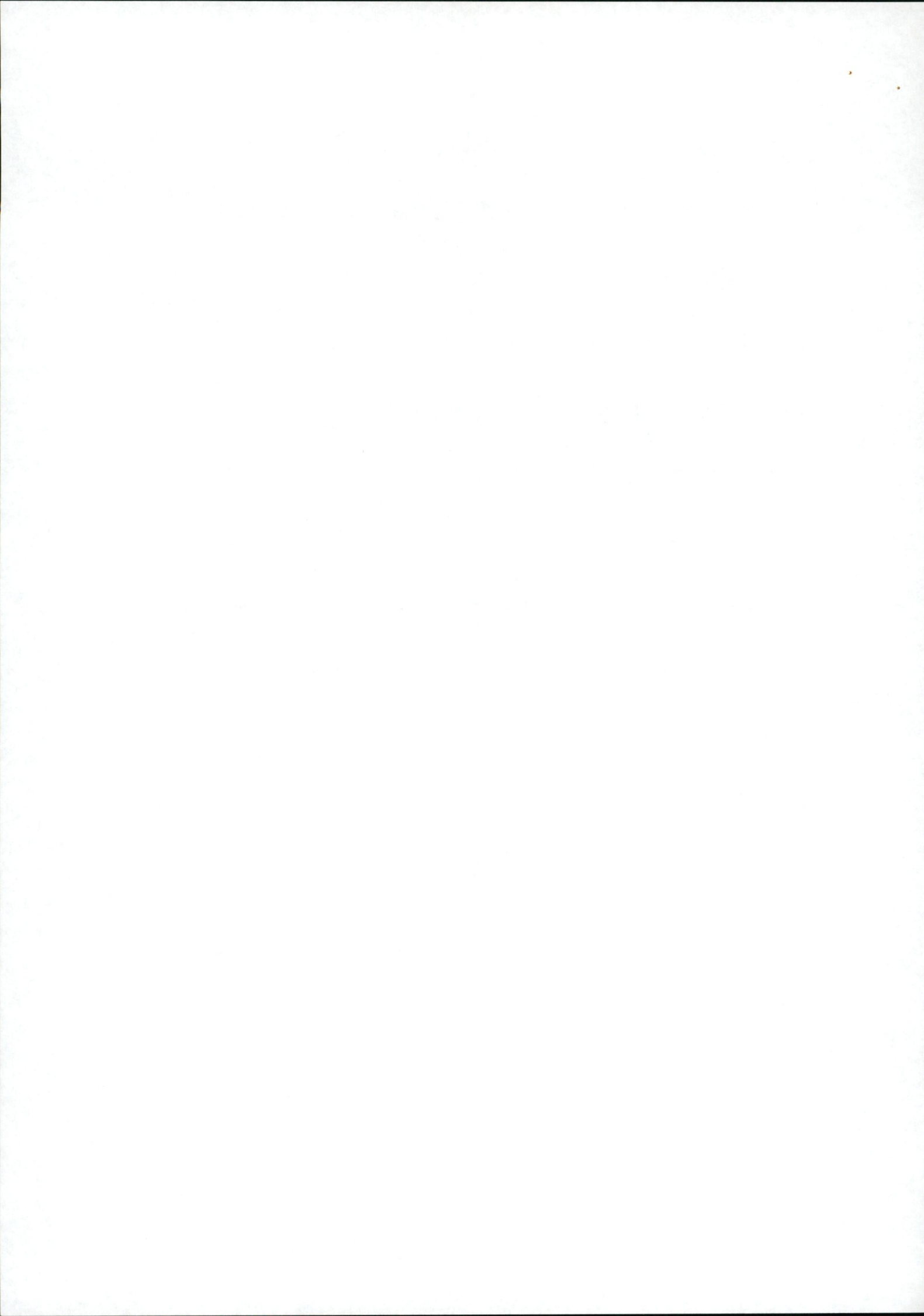
A total of 2,562 non-renewable certificates are currently in force. Of these, a mere 39 have been applied for in the last 18 months. It must be evident to all Honourable Members that there is a tendency for the industry participants to again disregard this particular requirement of the Act.



8.

It is no surprise then, Mr President, that the key industry parties are in agreement that there is no longer any need to retain operative bakers' certificates, especially in view of the recent introduction of a uniform national competency-based training course through the TAFE systems.

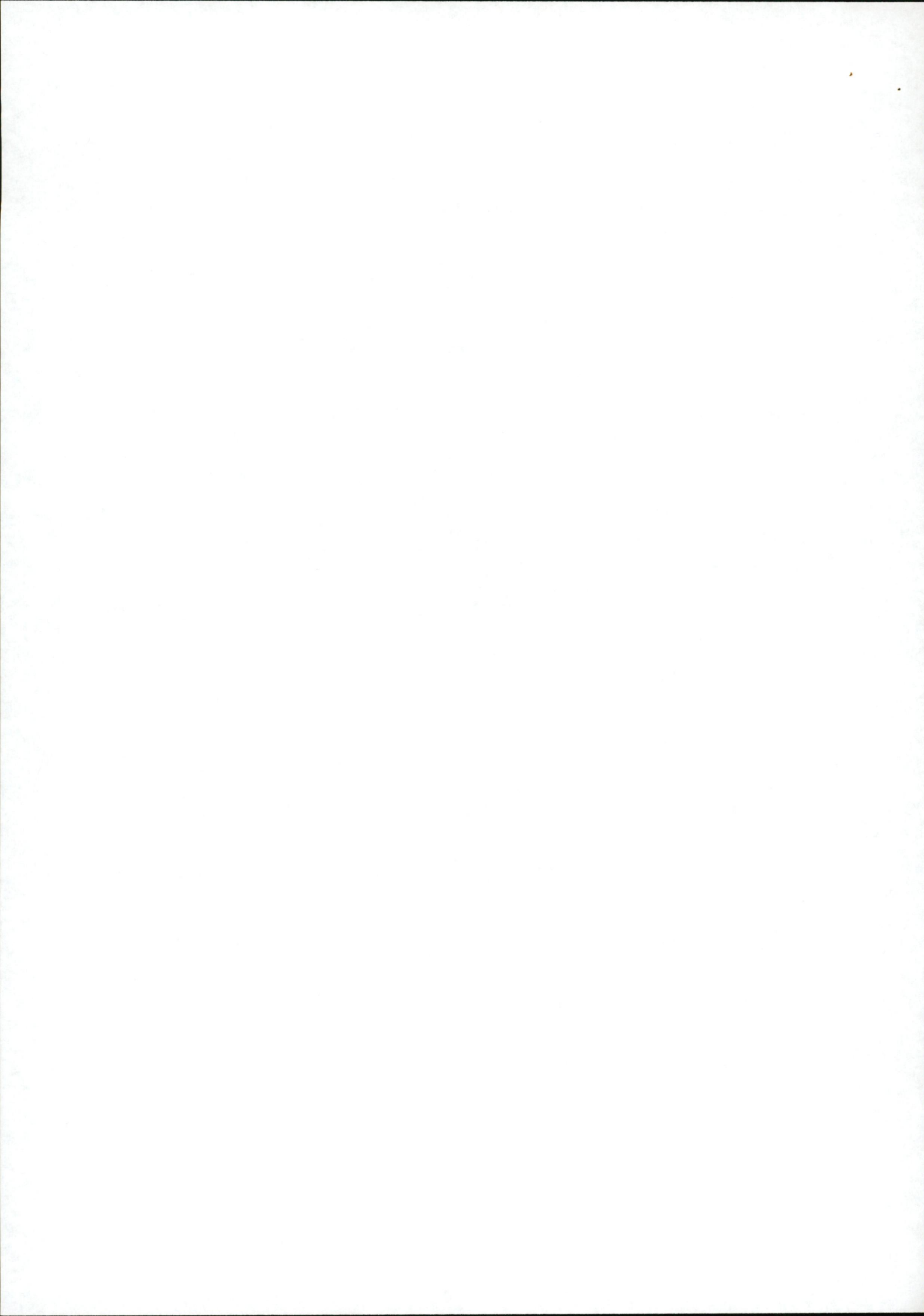
However, the proposed abolition of a particular NSW certificate for bakers will most importantly mean that there will in the future be no barrier to labour mobility in that occupation across Australia.



9.

During the last decade, Mr President, major changes have taken place in the bread industry. These include legislative deregulation of bread baking and delivery times, the disappearance of zoning restrictions in relation to bread sales, repeal of standard weights requirements in respect of loaves of bread, and the cessation of operation of the Bread Industry Advisory Committee set up by the legislation to deal with industry issues.

Given these advances, it is simply archaic to retain skeletal provisions of the Act relating to Ministerial directives governing the sale of bread in rural areas and bread manufacturers possibly being tied to ingredient suppliers.



This situation regarding the present irrelevance of the Bread Act is in general due to industry rationalisation, changes in consumer demand emphasising the availability of daily fresh bread in a diversified range and Government initiatives linked to progressive deregulation.

Mr President, it is an interesting historical point that in his Bill Second Reading Speech in 1969, the Honourable Eric Willis remarked that “Bread has been the subject of legislation since Governor Macquarie’s day”.

In recognising that the combination of national competition policy, uniform national training standards, modern manufacturing methods in the baking industry and consumer forces have resulted in 1995 in a clear case for the removal of legislative control over this important commodity, we are witnesses to the end of an era.

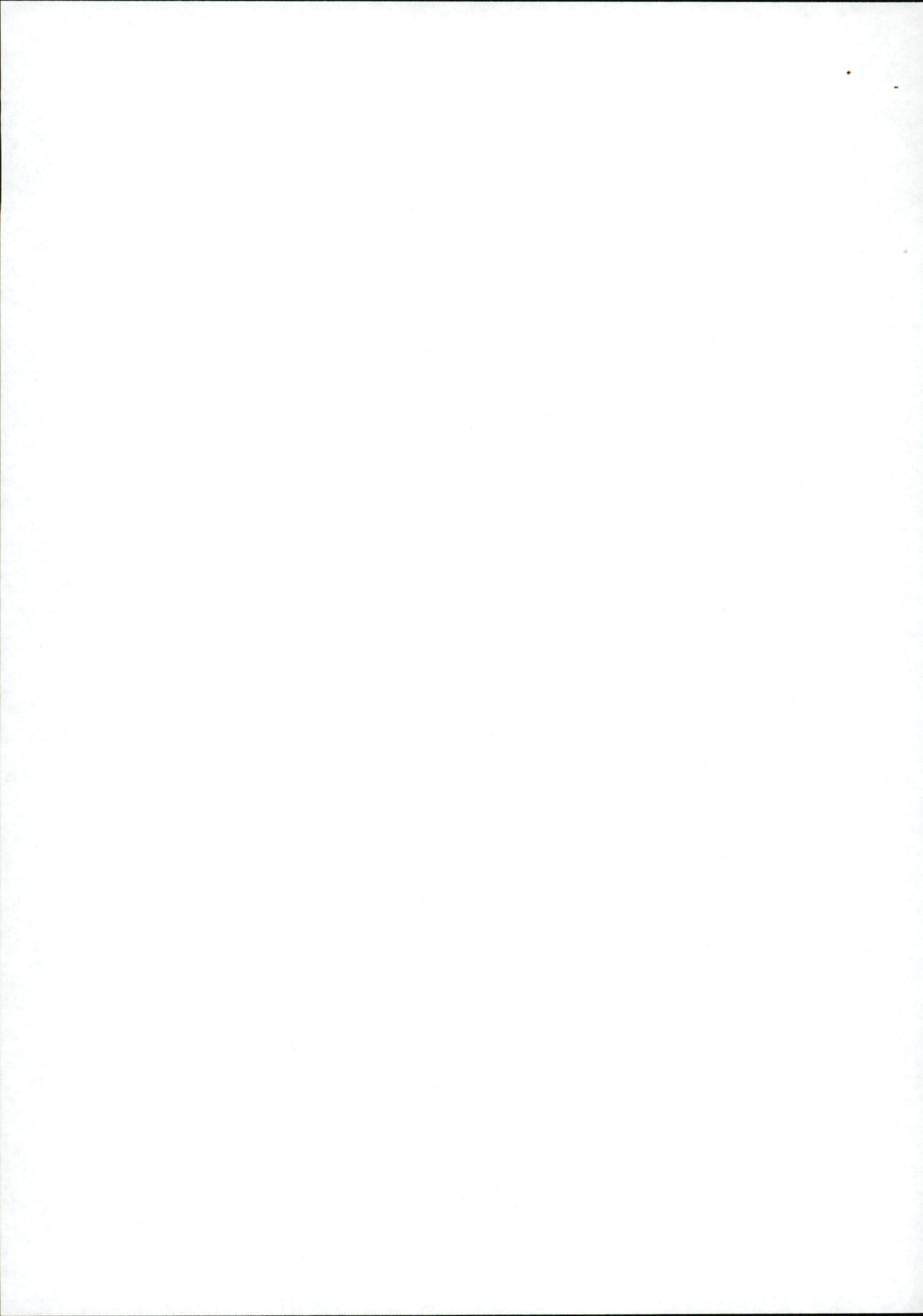
11.

Mr President, it is a timely end to an era.

And, on this point, Mr President, I note that in debate on this Bill in the other place, the Opposition spokesperson unhesitatingly agreed that the time for repeal of the Bread Act had indeed arrived.

What the Bread Repeal Bill 1995 does most forcefully is to deliver on Heads of Governments' micro-economic reform promises.

The Bill will remove existing legislation which is simply unnecessary - unnecessary both in regard to continuing occupational and business licensing requirements and in relation to archaic regulatory provisions within an industry in which market forces should be allowed to rule.



12.

Mr President, balanced and well informed regulatory reform is a vital part of the national effort to improve Australia's competitiveness. However, let me state most emphatically that clumsy and, in a modern context, irrelevant forms of Government intervention - such as is now the case with the Bread Act - should be retired.

Mr President, I commend the Bill to the House.

