

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

W. S. MOWLE,  
*Acting Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 5 April, 1916.*

## New South Wales.



ANNO SEXTO

## GEORGII V REGIS.

\*\*\*\*\*

Act No.     , 1916.

An Act to provide for the establishment of a commission with power to carry on the business of baking; for the registration of bakers; for the acquisition by the commission on behalf of His Majesty of the business lands and property of bakers; and for purposes consequent thereon and incidental thereto.

BE it enacted by the King'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:—

51433

776—A

PART



*Bakeries.*

PART I.

INTERPRETATION.

1. This Act may be cited as the "Bakeries Act, Short title. 1916."

5 2. In the construction of this Act, unless the con- Interpretation.  
text otherwise indicates, the following terms shall have  
the respective meanings hereby assigned to them,  
namely:—

- 10 (1) "Commission"—the bakeries commission ap-  
pointed under the provisions of this Act.
- (2) "Registered baker"—a baker registered under  
the provisions of this Act.
- (3) "Baker"—any person who manufactures and  
sells bread.
- 15 (4) "Mortgage"—mortgage, charge, encumbrance,  
or bill of sale.
- (5) "Mortgagee"—mortgagee, chargee, encum-  
brancee, or bill of sale holder.
- 20 (6) "Register"—the register of bakers to be kept  
under this Act.

PART II.

THE COMMISSION.

3. (1) The authority to carry out this Act shall Constitution  
be three commissioners, who shall be a corporation sole of com-  
25 by the name "The Bakeries Commission," and by that mission.  
name shall have perpetual succession and a common  
seal, and be capable in law of suing and being sued.

(2) All courts, judges, and persons acting judi- Seal of com-  
cially shall take judicial notice of the common seal of mission.  
30 the commission affixed to any notice or document,  
and shall presume that such seal was duly affixed unless  
the contrary be shown.

4. (1) The Governor shall appoint three persons to be Appointment  
commissioners who, subject to the provisions hereinafter of commis-  
35 contained, shall hold office for a term of four years. Any sioners.  
such person may be an officer of the public service.

Any officer of the public service appointed to be  
a commissioner under this act shall have the same rights  
under



*Bakeries.*

under the Public Service Act, 1902, and any acts amending the same, and the regulations thereunder, to deferred and extended leave, and to contribute to the superannuation account, and to be paid a superannuation allowance, 5 as if he were an officer of the public service; and for those purposes his service as commissioner shall count as service in the public service.

(2) On the occurrence of any vacancy in the office of commissioner the Governor shall appoint a 10 person to the vacant office. Vacancies.

(3) Any commissioner shall, at the end of his term of office, be eligible for reappointment. Reappointment.

**5.** A commissioner may be removed from office in 15 manner following :— Removal of commissioner.

(a) A commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parlia- 20 ment a full statement of the grounds of suspension within seven days after such suspension if Parliament is in session and actually sitting, and when Parliament is not in session or not actually sitting within seven days after the commencement of the next session or sitting. 25

(b) A commissioner suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it declares by resolution that the said commis- 30 sioner ought to be removed from office, and if each House of Parliament within the said time so declares, the said commissioner shall be removed by the Governor accordingly.

**6.** A commissioner shall be deemed to have vacated his office— Vacation of office by commissioner.

(a) If he engages, during his term of office, in any employment outside the duties of his office; or  
 (b) if he becomes insolvent, or applies to take the 40 benefit of any act for the relief of insolvent debtors, or compounds with his creditors, or makes an assignment of his salary for their benefit; or  
 (c)



*Bakeries.*

- (c) if he absents himself from duty for a period of fourteen consecutive days except on leave granted by the Governor (which leave he is hereby authorised to grant), or becomes incapable of performing his duties; or
- (d) if he becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Chief Commissioner, or in any wise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

If any commissioner becomes in any way concerned or interested in any such contract or agreement, or in any wise participates or claims as aforesaid, he shall be guilty of a misdemeanour and be liable to a penalty not exceeding five hundred pounds or to imprisonment for any term not exceeding three years or to both such punishments.

7. Of the three commissioners one shall be chief commissioner. The commissioners shall respectively receive salaries not exceeding the following yearly rates:—The chief commissioner, twelve hundred and fifty pounds; each assistant commissioner, one thousand pounds.

Salaries of  
commis-  
sioners.

8. The commission shall keep minutes of its proceedings in such manner and form as may be prescribed.

Minutes of  
proceedings.

PART III.

POWERS AND DUTIES OF COMMISSION.

9. (1) The commission shall have the following powers, namely:—

Powers.

- (a) To purchase or otherwise acquire and take over as a going concern and to carry on the business of any baker in any portion of New South Wales to which this Act applies for the time being.
- (b) To carry on the business of baker, pastrycook and cakemaker, or any other business or businesses which may seem to the commission capable



---

*Bakeries.*

---

- capable of being carried on in connection therewith, or as incidental thereto, or which are considered by the commission as calculated to enhance the value of, or render profitable, the said business of baker, or desirable in order to prevent waste, or to render profitable any of the commission's property.
- 5
- (c) To acquire under this Act, or by purchase, exchange, lease, hire, or otherwise, any real or personal property whatever and any rights or privileges which the commission may think necessary or convenient for the purposes of its business.
- 10
- (d) To apply for, purchase, or otherwise acquire any patents, licenses, concessions and the like conferring exclusive or non-exclusive or limited right of use or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the commission, and to use, exercise, develop, or grant licenses in respect of, or otherwise turn to account the property rights and information so acquired.
- 15
- 20
- (e) To construct, maintain, and alter any buildings or works necessary or convenient for the purpose of the commission, or to enable the commission more conveniently to carry out any of the purposes of this Act.
- 25
- (f) To sell, lease, exchange, let, or dispose of any of its property.
- 30
- (g) To employ such managers, officers, clerks, servants, and workmen as the commission may think desirable for the purposes of this Act.
- (h) To buy, sell, and deal in all such commodities as the commission shall think desirable for the purposes of this Act, and to enter into any contract, dealing, transaction, or arrangement which the commission thinks desirable for any of the purposes of this Act.
- 35
- 40
- (i) To do all such things as are incidental or conducive to the exercise or success of any of the above powers. (2)



*Bakeries.*

(2) Where any manager, officer, clerk, or servant appointed as aforesaid was at the time of his appointment in the Public Service of the State, he shall have the same rights under the Public Service Act, 1902, and any Acts amending the same, and the regulations thereunder, to deferred and extended leave, and to a gratuity and refund of contributions or to contribute to the superannuation account and to be paid a superannuation allowance as if he had continued in the Public Service; and for those purposes his service under this Act shall count as service in the Public Service.

**10.** It shall be the duty of the commission—

Rights under  
Public  
Service Act,  
1902.  
  
Duties of  
commission—  
register.

- (1) to keep a register of the names and addresses of all bakers carrying on business in any of the districts of New South Wales to which this Act for the time being applies, and of their bakeries and premises;
- (2) to strike off such register the names and addresses of all persons in such districts who have ceased, or become disqualified as herein-after provided, to carry on the business of bakers;
- (3) to keep such register open at all reasonable times for inspection by the Board of Health or its officers or by any member of the public.

**11.** (1) Every person who carries on the business of a baker in any district to which this Act applies shall apply to the commission to enter in the register his name, address, and the locality of his business premises and such other particulars as may be prescribed.

Bakers to  
register.

Where such person carries on such business at the commencement of this Act, such application shall be made within fourteen days after such commencement.

Where such person commences to carry on such business after such commencement, such application shall be made before he commences to carry on such business.

Any change in such address or any discontinuance of such business shall be notified by such person to the commission as prescribed.

Such person, on registration as aforesaid, shall affix to and maintain upon his premises the words "registered baker."

(2)



*Bakeries.*

(2) Such registration shall be made annually, and shall have effect until the thirty-first day of December in the year in respect of which the registration was made.

5 **12.** After the expiration of twenty-one days from the commencement of this Act it shall not be lawful for any person to carry on the business of a baker or to bake bread for sale or profit in any of the districts aforesaid unless he is a registered baker. If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding twenty pounds.

Unregistered person.

10 **13.** The commission may refuse to enter upon or may remove from the register the name of any baker whose business the commission has purchased or appropriated under this Act, or the name of any person in any district in which the commission has purchased or appropriated the businesses of all bakers.

Commission may refuse to register in certain cases.

PART IV.

COMPULSORY ACQUISITION OF PROPERTY BY COMMISSION.

20 **14.** (1) The Governor may by notification to be published in the Gazette and in one or more newspapers published or circulated in the police district in which the bakery the subject of such notification is situated declare that the baking business described in such notification together with the premises or any of them upon which the same is carried on, and all or any of the plant or other property used in connection with such business, and the goodwill thereof have been appropriated by the commission on behalf of His Majesty for the purposes of this Act.

Gazette notice.

25 (2) Any such notification may declare that such business is appropriated either inclusively or exclusively of such premises or any of them or of such plant or any part thereof or of all or any of such property or of such goodwill.

**15.**



*Bakeries.*

**15.** Upon the publication of such notification in the Gazette the business and the premises, plant, property and goodwill described or referred to in such notification or such of them as are declared therein to be appropriated on behalf of His Majesty shall become legally vested in the commission for all the estate, property, and interest of the owner or owners thereof, freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, easements, and rights whatever in any other person than the commission. Effect of notification.

**16.** (1) The estate, property, and interest, whether legal or equitable, of every person entitled to any business, premises, plant, goodwill, or other property, or any portion thereof appropriated under this Act shall upon the publication of such notification be converted into a claim for compensation in pursuance of the provisions hereinafter contained. Claim for compensation.

(2) Every person shall, upon asserting his claim as hereinafter provided and making out his title in respect of any business, premises, plant, goodwill, or other property appropriated as aforesaid, be entitled to compensation on account of such appropriation in manner hereinafter provided.

**17.** Whenever any land is appropriated under this Act a copy of the Gazette notification declaring such land to be so appropriated, certified under the seal of the commission, shall be lodged with the Registrar-General and be registered by him in the general register of deeds, unless the land so resumed is wholly or in part comprised in a grant or in a certificate of title under the Real Property Act, 1900, in which case upon production of such notification so certified as aforesaid it shall be the duty of the Registrar-General to deal with and give effect to such notification as if the same were a document having a similar effect duly executed under the provisions of the said Act. Appropriation to be registered.

**18.** The commission may agree with the owners of any business, land, premises or property required for the purpose of this Act, and with all parties having any estate or interest therein, or by this Act enabled to sell, convey, or assign the same, for the absolute purchase for Commission may purchase lands.



*Bakeries.*

for a consideration in money of any such business, land, premises or property, and of all interests in the same of what kind soever.

**19.** All persons seised, possessed of, or entitled to any such business, premises, lands, or property, or any estate or interest therein, may sell, convey, release, transfer, or assign the same to the commission, and may enter into all necessary agreements for such purposes.

Parties may sell, convey, or exercise other powers.

**20.** (1) Any of the following parties seised, possessed, or entitled as aforesaid, that is to say—

Certain persons authorised to sell.

(a) all corporations,

(b) tenants in tail or tenants or persons entitled for life,

Public Works Act, 1912, s. 53.

(c) married women entitled in their own right,

(d) guardians,

(e) committees of lunatics and idiots and managers of incapable persons,

(f) trustees or officers in trust for charitable and other purposes,

(g) executors, administrators,

(h) all parties for the time being entitled to the receipt of the rents and profits or income of any such business, premises, lands, or property in possession, or to any lease or interest for life, or for lives and years, or for years, or any less interest,

may sell, convey, or release, assign, or transfer as in the preceding section mentioned.

**20** (2) The power so to sell and convey or release, assign, or transfer may lawfully be exercised by all such parties (other than lessees or persons interested for life, or for lives and years, or for years, or for any less interest), not only on behalf of themselves and their respective heirs, executors, administrators, successors, and assigns, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties; and as to such married women whether of full age or not as if they were sole and of full age; and as to such guardians on behalf of their wards, and as to such committees on behalf of the

Extent of power of sale.



*Bakeries.*

the lunatics and idiots of whom they are the committees, and as to such managers on behalf of the incapable persons for whom they are managers respectively, and that to the same extent as such wives, wards, lunatics, and idiots and incapable persons respectively, could have exercised the same power under the authority of this Act, if they had been under no disability; and as to such trustees, executors, or administrators, on behalf of their cestui que trusts, whether infants, issue unborn, lunatics, femmes covert, or other persons, and that to the same extent as such cestui que trusts respectively could have exercised the same powers under the authority of this Act, if they had been under no disability.

(3) The power hereinafter given to release lands or property from any rent-charge or encumbrance, and to agree for the apportionment of any such rent-charge or encumbrance, shall extend to and may lawfully be exercised by every party by this Act enabled to sell, convey, release, assign, or transfer lands or other property.

**21.** (1) If the purchase money payable in respect of any business, lands, premises, or property, or any interest therein, purchased by the commission from any corporation, tenant for life or in tail, married woman seised in her own right, guardian, committee of lunatic or idiot, manager of an incapable person, trustee or executor, administrator, or person having a partial or qualified interest, and not entitled to sell, convey, transfer, or assign the same, except under the provisions of this Act, exceeds the sum of two hundred pounds, the same shall be paid into the hands of the Master-in-Equity.

(2) The Master shall deposit such money in the same way as money paid into his hands under the provisions of section fifty-four of the Public Works Act, 1912, and the same may be invested by the Master in any one or more investments authorised by the Public Trustee Act, 1913; or may be paid by him to any person declared by a Judge of the Supreme Court exercising its equitable jurisdiction upon the petition of any person interested in such money to be absolutely entitled thereto.

Rent-charges and encumbrances.

Purchase money payable to parties under disability exceeding £200 to be paid to Master in Equity. cf. *Ibid.* s. 54.

Order for application of money.

(3)



*Bakeries.*

(3) While invested as aforesaid, the income thereof may be paid by the Master to the person who would be entitled to the income of the property of which the investments represent the purchase money.

5 (4) The purchase money to be paid for any business, lands, premises, or property purchased for the purposes of this Act from any party under any disability or incapacity, and not having power to sell, convey, transfer, or assign the same except under the  
10 provisions of this Act shall be determined by arbitration as hereinafter provided.

**22.** (1) If such purchase money does not amount to the sum of two hundred pounds, and exceeds the sum of twenty pounds, the same shall be paid either to the  
15 Master in Equity (to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds) or to two trustees.

Sums from £20 to £200 to be deposited or paid to trustees. Public Works Act, 1912, s. 56.

(2) Such trustees shall be nominated by the  
20 parties entitled to the rents or profits of the lands or other property in respect whereof the money is payable, such nomination to be signified by writing under the hands of the party so entitled. In case of the incapacity by coverture, infancy, lunacy, or otherwise of  
25 the parties entitled to such moneys, such nomination may be made by their respective husbands, guardians, committees, managers, or trustees.

Nomination of trustees.

(3) Payment of such moneys shall not be made  
to such trustees unless the commission approves thereof  
30 and of the trustees named for the purpose.

Payment to trustees.

(4) Such trustees shall apply the money so paid  
to them and the produce arising therefrom in the  
manner hereinbefore directed with respect to money  
deposited to the account of the Master in Equity; but  
35 it shall not be necessary to obtain any order of the court for that purpose.

Powers of trustees.

**23.** If such money does not exceed the sum of twenty pounds, it shall be paid to the parties entitled to the rents, profits, or income of the lands or other pro-  
40 perty in respect of which it is payable, for their own use and benefit; or, in case of the incapacity, as in the last preceding

Sums not exceeding £20 to be paid to parties. Ibid. s. 57.



*Bakeries.*

preceding section, of such parties, such money shall be paid for their use to the respective husbands, guardians, committees, managers, or trustees of such parties.

**24.** Any payment made in any of the cases aforesaid to the parties entitled under this Act to receive the same shall be a good and valid discharge to the commission; and the commission shall not be bound or required to see to the application of any of the moneys paid to the Master in Equity or other person by virtue hereof, or to see to the performance of any trusts.

Payments made under Act sufficient discharge to the commission.

Public Works Act, 1912, s. 59.

**25.** Where any purchase money or compensation paid or deposited pursuant to this Act has been paid in respect of—

Court of Equity may direct application of money in respect of leases or reversions as they may think just.

*Ibid.* s. 60.

(a) any lease or interest for a life or lives or years, or for a life or lives and years; or

(b) any estate in lands or interest in property less than the whole fee-simple thereof or full property therein; or

(c) any reversion or interest in the nature of a reversion dependent on any such lease, estate, or interest,

the Supreme Court or the Chief Judge in Equity may, on the petition of any party interested in such money, order that the same shall be laid out, invested, accumulated and paid, in such manner as the said court or judge may consider will give to the parties interested in such money the same benefit therefrom as they might have had from the lease, estate, interest, or reversion, in respect of which such money has been paid, or deposited, or as near thereto as may be.

**26.** If the owner of any business, premises, lands, or property taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof—

Purchase money or compensation may in certain cases be paid to the Master in Equity.

*Ibid.* s. 61.

(a) refuses to accept the same; or

(b) neglects or fails to make out a title to such business, premises, lands, or property or to the interest therein claimed by him, to the satisfaction of the commission; or

(c)



*Bakeries.*

- (c) refuses to convey or release, transfer, or assign such business, premises, lands, or property as directed by the commission; or
- (d) is absent from New South Wales, or cannot after diligent inquiry be found,
- 5 the commission may, if it thinks fit, deposit the purchase money or compensation payable in respect of such business, premises, lands, or property, or any interest therein in the hands of the Master in Equity, to be by
- 10 him deposited as aforesaid to his account to the credit of the parties interested in such business, premises, lands, or property (describing them so far as he can do), subject to the control and disposition of the said court.
27. Upon application by petition of any party
- 15 making claim to the money so deposited as last aforesaid or any part thereof, or to the business, premises, lands, or property in respect whereof the same was so deposited, or any part of such business, premises, lands, or property, or any interest in the same, the said court or
- 20 judge may in a summary way, as to such court or judge seems fit, order such money to be laid out or invested in the purchase of Government debentures or real or other securities; or may order distribution thereof or payment of the dividends thereof, according to the respective
- 25 estates, titles, or interests of the parties making claim to such money or business, premises, lands, or property, or any part thereof, and may make such other order in the premises as to such court or judge seems fit.
- 30 28. If any question arises respecting the title to the business, premises, lands, or property, in respect whereof such money was so paid or deposited as aforesaid, the parties respectively in possession of such business, premises, lands, or property, as being
- 35 the owners thereof, or in receipt of the rents, profits, or income of such business, premises, lands, or property, as being entitled thereto at the time of such business, premises, lands, or property being purchased or taken, shall be deemed to have been lawfully entitled to such
- 40 business, premises, lands, or property, until the contrary is shown to the satisfaction of the court; and unless, upon

Application  
of moneys so  
deposited.

Public  
Works Act,  
1912, s. 62.

Party in pos-  
session to be  
deemed the  
owner.

*Ibid.* s. 62.



*Bakeries.*

upon such inquiry as the court thinks fit to direct, the contrary is shown as aforesaid, the parties so in possession and all parties claiming under them or consistently with their possession shall be deemed entitled to the money so deposited and to the dividends or interest of the securities purchased therewith, and the same shall be paid and applied accordingly.

- 29.** In all cases of moneys deposited under the provisions of this Act, except where such moneys were so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey, release, assign, or transfer the business, premises, lands, or property, in respect whereof the same are payable, or by reason of the neglect of any party to make out a good title to the business, premises, lands, or property acquired, the said court or judge may order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the commission, that is to say, the costs—
- Costs in case of money deposited.  
Public Works Act, 1912, s. 64.
- 20 (a) of the purchase or taking of the business, premises, lands, or property, or which were incurred in consequence thereof, other than such costs as are herein otherwise provided for; and
- 25 (b) of the investment of such moneys in Government debentures or real or other securities and of the re-investment thereof; and
- (c) of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys are invested, and for the payment out of court of the principal of such moneys or of the securities whereon the same are invested; and
- 30 (d) of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants:
- 35

Provided that the costs of one application only for re-investment shall be allowed, unless it appears to the said court or judge that it is for the benefit of the parties interested



*Bakeries.*

interested in the said moneys that the same should be invested in different sums and at different times; in which case the court may, if it thinks fit, order the costs of any such investments to be paid by the commission.

5 **30.** (1) If, in any case in which, according to the provisions of this Act, the commission has purchased or appropriated any business, premises, lands, or property for the purposes of this Act, the owner or occupier of any such business, premises, lands, or property, or any  
10 other person refuses to give up possession thereof or hinders the commission from entering upon or taking possession of the same, the commission may issue its warrant to the sheriff to deliver possession of the same to the person appointed in such warrant to receive  
15 the same.

Proceedings  
in case of  
refusal to  
deliver  
possession of  
business,  
premises,  
lands, or  
property.  
Public Works  
Act, 1912,  
s. 65.

(2) Upon the receipt of such warrant the sheriff shall deliver possession of such business, premises, lands, or property accordingly, and the cost accruing, by reason of the issuing and execution of such warrant, to be settled  
20 by the sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the commission from the compensation, if any, then payable to such party, or if the same is less than the amount of such costs, then such costs or  
25 the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly.

Execution of  
warrant,  
Costs.

**31.** (1) The commission may purchase or redeem the  
30 interest of the mortgagee of any business, premises, lands, or property required for the purposes of this Act; and that whether it has previously purchased the equity of redemption of such business, premises, lands, or property or not; and whether the mortgagee is entitled  
35 thereto, in his own right or in trust for any other party; and whether he is in possession of such business, premises, lands, or property by virtue of such mortgage or not; and whether such mortgage affects such business, premises, lands, or property solely or jointly with  
40 any other business, premises, lands, or property not required for the purposes of this Act.

Power to  
redeem  
mortgages.  
*Ibid.* s. 66.



*Bakeries.*

(2) The commission may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his cost and charges (if any), and also six months' additional interest; and thereupon such mortgagee shall immediately convey, assign or transfer his interest in the business, premises, lands, or property comprised in such mortgage to the commission or as it shall direct.

(3) The commission may give notice in writing to such mortgagee that it will pay off the principal and interest due at the end of six months, computed from the day of giving such notice; and if it has given any such notice, or if the party entitled to the equity of redemption of any such business, premises, lands, or property has given six months' notice of his intention to redeem the same, then, at the expiration of either of such notices, or at any intermediate period, upon payment or tender by the commission to the mortgagee of the principal money due on such mortgage and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses (if any) such mortgagee shall convey, release, assign or transfer his interest in the business, premises, lands, or property comprised in such mortgage to the commission, or as it shall direct.

**32.** If in either of the cases aforesaid, upon such payment or tender, any mortgagee fails to convey, release, assign, or transfer his interest in such mortgage as directed by the commission, or if he fails to adduce a good title thereto to its satisfaction, then the commission may pay into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master in Equity, the principal and interest, together with the costs (if any), due on such mortgage; and if such payment is made before the expiration of six months' notice as aforesaid, such further interest as would at the time become due; and the commission may also, if it thinks fit, execute a deed-poll or other assurance containing a description of the business, premises, lands, or property, in respect whereof

Deposit of  
mortgage  
money on  
refusal to  
accept.

Public Works  
Act, 1912,  
s. 67.



*Bakeries.*

whereof such deposit was made and describing the circumstances under which and the names of the parties to whose credit such deposit was made, and such deed-poll or other assurance shall be duly registered by the  
 5 commission. And thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee and of all persons in trust for him or for whom he may be a trustee in the business, premises, lands, or property, shall vest in  
 10 the commission, and the commission shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

**33.** (1) If any of such mortgaged business, premises, lands, or property are of less value than the principal,  
 15 interest, and costs secured thereon, the value of such business, premises, lands, or property, or the compensation to be made by the commission in respect thereof, shall be settled by agreement between the mortgagee of such business, premises, lands, or property and the party  
 20 entitled to the equity of redemption thereof on the one part, and the commission on the other part.

(2) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of  
 25 disputed compensation.

(3) The amount of such value or compensation being so agreed upon or determined shall be paid by the commission to the mortgagee, in satisfaction of his mortgage debt, so far as the same will extend; and upon  
 30 payment or tender thereof the mortgagee shall convey, release, assign, or transfer all his interest in such mortgaged business, premises, lands, or property to the commission or as it shall direct.

**34.** If, upon such payment or tender as aforesaid,  
 35 any such mortgagee fails so to convey, transfer, or assign his interest in such mortgage or to adduce a good title thereto to the satisfaction of the commission, the commission may pay the amount of such value or compensation into the hands of the Master in Equity, to  
 40 be dealt with by him, in the manner provided by this Act in like case of moneys required to be paid to such Master in Equity.



*Bakeries.*

Every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged business, premises, lands, or property  
 5 from all money due thereon; and the commission may, if it thinks fit, execute a deed-poll or other assurance in manner hereinbefore provided. And thereupon such business, premises, lands, or property, as to all such estate and interest as were then vested in the mortgagee or  
 10 any person in trust for him, shall become absolutely vested in the commission, and the commission shall be entitled to immediate possession thereof in case such mortgagee were entitled to such possession:

Provided that all rights and remedies possessed by the  
 15 mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the right to such business, premises, lands, or property, shall remain in force in respect for so much of the mortgage debt as was not satisfied by such payment or deposit.

20 **35.** (1) If—

- (a) a part only of such mortgaged business, premises, lands, or property is required for the purposes of this Act; and
- 25 (b) the part so required is of less value than the principal money, interest, and costs secured on such business, premises, lands, or property; and
- 30 (c) the mortgagee does not consider the remaining part of such business, premises, lands, or property a sufficient security for the money charged thereon, or is not willing to release the part so required,

then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or  
 35 otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such business, premises, lands, or property on the one part, and the commission on the other part.

(2) If the parties aforesaid fail to agree respecting the amount of such value or compensation, the same  
 40 shall be determined as in other cases of disputed compensation.

(3)

Sum to be paid where part only of mortgaged business, premises, lands, or property taken.  
 Public Works Act, 1912, s. 70.

Procedure on failure of parties to agree.



*Bakeries.*

(3) The amount of such value or compensation being so agreed upon or determined shall be paid by the commission to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to the commission or as it shall direct, all his interest in such mortgaged business, premises, lands, or property, the value whereof has been so paid, and a memorandum of what has been so paid shall be endorsed on the deed or document creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the commission at the expense of the commission to the party entitled to the equity of redemption of the business, premises, lands, or property comprised in such mortgage deed or document.

Payment  
and release of  
mortgage.

**36.** If, upon any payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee fails to convey, release, assign, or transfer to the commission or as it shall direct his interest in the business, premises, lands, or property in respect of which such value or compensation has been so paid or tendered, or if he fails to adduce a good title thereto to the satisfaction of the commission, the commission may pay the amount of such value or compensation into the hands of the Master in Equity, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to the Master in Equity; and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged business, premises, lands, or property so required from all money due thereon; and also if it thinks fit, may execute a deed-poll or other assurance in the manner hereinbefore provided. And thereupon such business, premises, lands, or property shall become absolutely vested in the commission, as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and in case such mortgagee were himself entitled to such possession it shall be entitled to immediate possession thereof:

Deposit of  
money when  
refused on  
tender.

Public Works  
Act, 1912,  
s. 71.

Provided



*Bakeries.*

Provided that every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged business, premises, lands, or property or the portion thereof not required for the purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the business, premises, lands, or property originally comprised in such mortgage.

**37.** If any difference arises between the commission and the party entitled to any rent-service, rent-charge, chief or other rent or other payment or incumbrance not hereinbefore provided for upon any business, premises, lands, or property taken for the purposes of this Act, respecting the consideration to be paid for the release of such business, premises, lands, or property therefrom, or from the portion thereof affecting the business, premises, lands, or property required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

Release of  
business,  
premises,  
lands, or  
property from  
rent-charges,  
&c.  
Public Works  
Act, 1912,  
s. 72.

**38.** If part only of the business, premises, lands, or property charged with any such rent-service, rent-charge, chief-rent or other payment or incumbrance is taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge or payment and the owner of the business, premises, lands, or property on the one part, and the commission on the other part; and, if such apportionment is not so settled by agreement, the same shall be settled by arbitration as in this Act provided. But if the remaining part of the business, premises, lands, or property so jointly subject is a sufficient security for such charge or payment, then, with consent of the owner of the business, premises, lands, or property so jointly subject, the party entitled to such charge or payment may release therefrom the business, premises, lands, or property required, on condition or in consideration of such other business, premises, lands, or property remaining exclusively subject to the whole thereof.

Release of  
part of  
business,  
premises,  
lands, or  
property  
from rent-  
charge.  
*Ibid.* s. 73.

**39.**



*Bakeries.*

**39.** (1) Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge or payment as aforesaid, such party shall execute to the commission a release of such charge or payment.

Execution of  
release.  
Public Works  
Act, 1912,  
s. 74.

(2) If he fails so to do, or if he fails to adduce a good title to such charge or payment to the satisfaction of the commission, the commission may pay the amount of such compensation into the hands of the Master in Equity to be dealt with by him in the manner hereinbefore provided in the case of moneys required to be paid to the Master in Equity; and the commission may also if it thinks fit execute a deed-poll or other assurance, in the manner herein provided for in the case of the purchase of business, premises, lands, or property by him. And thereupon the rent-service, rent-charge, chief or other rent, payment, or encumbrance or the portion thereof in respect whereof such compensation has been paid shall cease and be extinguished.

Failure to  
release or  
make a good  
title.

**40.** (1) If any such business, premises, lands, or property, or portions thereof, are so released from any such charge, encumbrance, or payment to which they were subject jointly with other business, premises, lands, or property, such last-mentioned business, premises, lands, or property shall alone be charged with the whole of such charge or payment or with the remainder thereof, as the case may be, and the party entitled to the charge or payment shall have all the same rights and remedies over such last-mentioned business, premises, lands, or property, for the whole or for the remainder of the charge or payment, as the case may be, as he had previously over the whole of the business, premises, lands, or property subject to such charge or payment.

Charge to  
continue on  
lands, &c.,  
not taken.  
*Ibid.* s. 75.

(2) If, upon any such charge or payment or portion thereof being so released, the deed or instrument creating or transferring the same is tendered to the commission for the purpose, it shall affix its seal to a memorandum of such release, indorsed on such deed or instrument, declaring what part of the business, premises, lands,

Commission  
to execute  
memorandum  
of release.



*Bakeries.*

lands, or property originally subject to such charge was purchased by virtue of this Act, and if the business, premises, lands, or property are released from part of such charge or payment, what proportion of the same  
 5 was released, and how much thereof continues payable; or if the business, premises, lands, or property so required have been released from the whole of such charge or payment, then that the remaining business, premises, lands, or property are thenceforward to remain exclusively  
 10 charged therewith. Such memorandum shall be made and executed at the expense of the commission, and shall be evidence of the facts therein stated, but not so as to exclude any other evidence of the same facts.

**41.** If any lands or premises appropriated under this  
 15 Act are subject to a lease or tenancy, the provisions of Division 5 of Part VI of the Public Works Act, 1912, shall apply, reading "commission" for "Constructing Authority" therein.

Appropriated  
lands subject  
to lease.

## PART V.

## COMPENSATION.

20

**42.** Where any business, premises, land, or property, are appropriated under the provisions of this Act the owners thereof and the persons having any estate or interest therein or the persons who, but for the pro-  
 25 visions hereinbefore contained, would have been such owners or persons shall be entitled to receive such sum of money by way of compensation for the same as shall be agreed upon or otherwise ascertained under the provisions of this part of this Act:

Compensa-  
tion for land  
appropriated.

30 Provided that no compensation shall be payable to any person in respect of the lease of any such premises or land which lease has been entered into by him after the first day of June, one thousand nine hundred and fifteen.

**43.** Every person claiming compensation in respect  
 35 of any business, premises, lands, or property appropriated under any such notification as in section thirteen hereof mentioned shall, within ninety days

Notice of  
claim for  
compen-  
sation.  
Public Works  
Act, 1912,  
s. 102.

from



*Bakeries.*

from the publication of such notification, or at any time afterwards within such time as a judge of the Supreme Court shall, upon the application and at the cost of the claimant, appoint in that behalf, serve  
 5 upon the commission and upon the Crown Solicitor a notice in writing setting forth—

- (a) the nature of the estate or interest of the claimant in such business premises, lands, or property, together with an abstract of his  
 10 title; and
- (b) if he claims in respect of damage, the nature of the damage which he has sustained or will sustain by reason of such appropriation.

Such notice may be in the form prescribed, but with  
 15 any modifications required by the nature of the claim.

**44.** Within sixty days after the receipt of every such notice of claim by the Crown Solicitor he shall forward the same, together with his report thereon to the commission which shall thereupon (unless no prima-facie  
 20 case for compensation is disclosed) cause a notice of the valuation of the business, premises, lands, or property, or of the estate or interest of the claimant therein, to be given to the claimant as soon as practicable in the form prescribed :

Report on  
claim.  
*Ibid.* s. 103;

25 Provided that any such notice of valuation may within one hundred and twenty days after service thereof be varied by notification to the claimant.

**45.** (1) If within ninety days after the service of notice of claim the claimant and the commission agree  
 30 as to the amount of compensation, such amount may be paid by the commission if the Minister approves of such payment.

Amount  
agreed upon  
may be paid.

(2) If within ninety days after the service of notice of claim the claimant and the commission do not  
 35 agree as to the amount of compensation, or if the Minister does not approve of the payment of the amount agreed upon by the commission and the claimant, then the claimant may institute proceedings in the Supreme Court or District Court in the form of an action for  
 40 compensation, against the commission :

Compensation  
by action in  
Supreme  
Court or  
District  
Court.  
*Ibid.* s. 104.

Provided



*Bakeries.*

Provided that with the consent in writing of the commission and the claimant any such action may be so tried at any time [to be mentioned in such consent] before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such claimant.

(2) Any such action in the Supreme Court shall be tried by a judge of the said court in Sydney, without a jury.

10 **46.** (1) A District Court shall, notwithstanding any- District  
Courts to  
have jurisdic-  
tion in certain  
cases.  
Public Works  
Act, 1912,  
s. 105.  
thing contained in the District Courts Acts, have jurisdic-  
tion to try any such action of compensation at the District  
Court holden within the district wherein any business,  
premises, lands, or property appropriated under this Act  
(or the greater portion of such business, premises, lands,  
15 or property) are situated, in any case where the whole  
amount of the claim in respect of such business,  
premises, lands, or property served in pursuance of  
section forty-two of this Act does not exceed one  
thousand pounds, or, if exceeding that amount, in  
20 any case where the commission and the claimant, by a  
memorandum signed by them, or by such claimant's  
attorney and the Crown solicitor, agree thereto.

(2) For the purposes of this section the pro- District  
Courts Act  
and rules.  
visions of the District Courts Acts, together with all  
25 rules made or to be made thereunder, shall be deemed to  
apply to all proceedings taken in any District Court  
hereunder :

Provided that no action under this section shall be  
tried before a jury.

30 **47.** (1) If the verdict in any action of compensation Action of  
compensation  
provisions as  
to costs.  
Ibid. s. 106.  
under the provisions of this Part of this Act is for  
an amount exceeding the amount of the valuation last  
notified to the claimant, and less than the amount of  
the claim of the claimant, the commission shall pay to the  
40 claimant the proportion of his costs which the excess of  
the amount of the verdict over such valuation bears to  
the excess of the claim over such valuation.

If the amount of the verdict in such action is equal  
to or greater than the amount of such claim the com-  
50 mission shall pay the costs of the action.

If



*Bakeries.*

If the amount of the verdict in such action is equal to or less than the amount of such valuation the claimant shall pay the costs of the action.

(2) The judge before whom any such action is tried shall in no case have power to direct a reference to arbitration. No arbitration.

(3) Either party in any such action may move for a new trial, in accordance with the practice of the Supreme Court. Appeal.

10

PART VI.

PROCEDURE FOR ASCERTAINING AMOUNT OF COMPENSATION TO BE PAID WHERE ARBITRATION NECESSARY.

**48.** (1) When any question of disputed compensation or any disputed or other matter authorised or directed by this Act to be settled by arbitration arises, then, unless both parties concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred. Appointment of arbitrators. Public Works Act, 1912, s. 109.

(2) Every appointment of an arbitrator shall be made, on the part of the commission under its official seal, and on the part of any other party under the hand of such party, or if such party is a corporation, under the common seal of such corporation. How appointments to be made.

(3) Such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same is made; and, after any such appointment has been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party to such submission operate as a revocation thereof. Appointment to be deemed submission.

(4)



*Bakeries.*

(4) If, after any such dispute or other matter has arisen, one party serves on the other party a written request to appoint an arbitrator, and in such written request sets forth the matter so required to be referred to arbitration, and the party so requested fails within fourteen days to appoint an arbitrator, then, upon such failure, the party making the request and having himself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters in dispute, and in such case, except as hereinafter provided, the award or determination of such single arbitrator shall be final and conclusive.

49. (1) If, before the matter so referred is determined, any arbitrator appointed by either party dies, or becomes incapable to act as arbitrator, or refuses or for fourteen days neglects to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place.

(2) If, for the space of seven days after notice in writing from the other party for that purpose, such party fails to appoint a new arbitrator, the remaining or other arbitrator may proceed alone.

(3) Every arbitrator so to be substituted as aforesaid shall have the powers and authorities of the former arbitrator at the time of such death, refusal, neglect, or disability as aforesaid.

50. (1) Where more than one arbitrator has been appointed the arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in writing under their hands an umpire to decide any matter on which they may differ, or which they may refer to him.

(2) If such umpire dies or becomes incapable to act, or refuses, or for seven days neglects to act after being called upon to do so by the arbitrators, they shall forthwith, after such death, incapacity, refusal or neglect, appoint another umpire in his place.

(3) The decision of every such umpire on the matter so referred to him shall, except as hereinafter provided, be final.



*Bakeries.*

- 51.** In either of the cases aforesaid, if the arbitrators refuse, or for seven days after request of either party to such arbitration neglect, to appoint an umpire, any Judge of the Supreme Court, on the application of either party to such arbitration, may appoint an umpire; and the decision of such umpire, on the matters on which the arbitrators differ, or which are referred to him shall, except as hereinafter provided, be final.
- 52.** If, when a single arbitrator has been appointed, such arbitrator dies or becomes incapable to act before he has made his award, or refuses or for fourteen days neglects to act, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed.
- 53.** If, where more than one arbitrator has been appointed, either of the arbitrators refuses, or for fourteen days neglects to act, and where no substituted arbitrator has been appointed as hereinbefore provided, the other arbitrator may proceed alone. The decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.
- 54.** Where more than one arbitrator has been appointed, and where neither arbitrator has refused or neglected to act as aforesaid, then if such arbitrators fail to make their award within twenty-one days after the day on which the last of such arbitrators was appointed, or within such extended time (if any), not being greater in the whole than six months, as has been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire appointed as aforesaid.
- 55.** The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute; and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Appointment of umpire on refusal, &c., of arbitrators. Public Works Act, 1912, s. 112.

Death of single arbitrator. *Ibid.* s. 113.

When one arbitrator may proceed alone. *Ibid.* s. 114.

Arbitrators to make award within twenty-one days. *Ibid.* s. 115.

Powers of arbitrators. *Ibid.* s. 116.



*Bakeries.*

**56.** (1) Before any arbitrator or umpire enters into the consideration of any matters referred to him, he shall, in the presence of a justice of the peace, make and subscribe the following declaration, that is to say :—

5 I do solemnly and sincerely declare that

I have no interests, either directly or indirectly, in the property in question, and that I will, faithfully and honestly and to the best of my skill and ability, hear and determine the

10 matters referred to me under the provisions of the Bakeries Act, 1916.

Arbitrator  
or umpire to  
make  
declaration.  
Public Works  
Act, 1912,  
s. 117.

A.B.

Made and subscribed in the presence of  
Such declaration shall be annexed to the award when

15 made.

(2) If any arbitrator or umpire having made such declaration wilfully acts contrary thereto he shall be guilty of a misdemeanour.

Breach of  
declaration.

**57.** (1) If the amount awarded exceeds the amount of the valuation last notified to the claimant, and is less than the amount of the claim of the claimant, the commission shall pay to the claimant the proportion of his costs of and incidental to the arbitration, as settled by the arbitrators, which the excess of the amount awarded

20 over such valuation bears to the excess of the claim over such valuation.

Costs of  
arbitration.  
*Ibid.* s. 119.

If the amount awarded is equal to or greater than the amount of such claim, the commission shall pay the cost of and incidental to the arbitration, as settled by the

30 arbitrators.

If the amount awarded is equal to or less than the amount of such valuation, the claimant shall pay the costs of and incident to the arbitration, so settled as aforesaid.

**58.** (2) If either party is dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount to be paid.

Taxation.

**58.** The arbitrators shall deliver their award in writing to the commission.

Award to be  
delivered to the  
commission.  
*Ibid.* s. 119.

The



*Bakeries.*

The commission shall retain the same, and shall on demand furnish a copy thereof to the other party; and shall at all times, on demand, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose.

**59.** The submission to any such arbitration may, on the application of either of the parties, be made a rule of the Supreme Court. Submission may be made a rule of court. Public Works Act, 1912, s. 120.

**60.** No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form. Award not void through error in form. Ibid. s. 121.

**61.** In any case where reference is made to arbitration as aforesaid the Supreme Court or a judge thereof may at any time, and from time to time, remit the matters referred or any or either of them to the reconsideration and re-determination of the said arbitrators or umpire, as the case may be, and upon such terms, as to costs and otherwise, as to the said court or judge may seem proper. Power to refer back award. Ibid. s. 122.

**62.** (1) If the compensation awarded by the arbitrators exceeds three hundred pounds, and either party is dissatisfied with the award, and desires to have the compensation settled by the Supreme Court or a district court, and within fourteen days after the making of the award and notice thereof signifies such desire by notice in writing to the other party, then no steps shall be taken to enforce performance of the award, but the claimant shall proceed by action in the Supreme Court or in a district court in the manner directed by sections forty-four and forty-five of this Act. Questions of compensation in certain cases to be decided by the supreme or district court. Ibid. s. 123.

(2) Upon the trial of the said action, both the costs thereof and the costs of and incidental to the arbitration shall be determined and allocated by a comparison of the respective amounts of the claim, the valuation, and the verdict, in the manner directed by section forty-six of this Act. Costs.

**63.** For the purpose of ascertaining the compensation or purchase money to be paid, regard shall in every case be had, not only to the value of any business, premises, land, or property purchased or appropriated, but also to damage Matters to be taken into account in consideration of compensation.



*Bakeries.*

damage (if any) caused by severance of lands taken from other lands of the owner, and, in the case of an appropriation, allowance may be made for forced sale. The tribunal assessing such compensation or purchase money shall assess the same according to what it finds to have been the value as a going concern of the business purchased or appropriated, with all the assets thereof, inclusive of land or premises and goodwill, at the date of the purchase or appropriation, and shall deduct the value of any property forming portion of the assets of the said business not purchased or appropriated, such value to be the value of such property as it remains to the owner after the appropriation or purchase.

In assessing the value of any business purchased or appropriated within eight months after the commencement of this Act, such value shall be based on the operations of such business during the whole of the year one thousand nine hundred and fifteen.

**64.** (1) In all cases where compensation or costs are awarded or adjudged to be paid by the commission, the amount thereof shall be paid to the party lawfully entitled thereto, or to his agent duly authorised in that behalf, within one month after such amount is determined:

Compensation to be paid within one month.  
Public Works Act, 1912, s. 126.

Provided that in every such case the party claiming payment shall be bound to make out a title to the business, premises, lands, or property, or interest in the same, in respect of which he claims to the satisfaction of the commission.

(2) If such compensation is payable in respect of property taken or acquired by notification in the Gazette, it shall bear interest at the rate of five per centum per annum from the time of such notification:

Interest

Provided that such interest shall not be paid for any period during which delay in fixing the amount of compensation or in completing title has been caused by the act or default of the person to whom such compensation is payable.



---

*Bakeries.*

---

(3) All moneys by this Act directed to be paid <sup>Payment,</sup>  
by the commission shall be paid by warrant of the <sup>how made.</sup>  
Governor addressed to the Treasurer.

---

## PART VII.

5

## MISCELLANEOUS.

**65.** (1) Every person employed in any baking <sup>Employment</sup>  
business purchased or appropriated under this Act at <sup>for persons</sup>  
the date of such purchase or acquisition whose services <sup>out of</sup>  
are thereupon dispensed with by the commission, and <sup>employment</sup>  
<sup>through ap-</sup>  
10 every employee of the commission whose services are <sup>propriation.</sup>  
dispensed with for any reason other than misconduct or  
incompetence, shall be given other suitable employment  
in the Government service for a period not less than five  
years, or in default thereof to compensation to the amount  
15 of two weeks' pay at the rate received by him at the date  
when his services were dispensed with for each year he  
has been employed in the baking industry. The discre-  
tion of the commission as to what is suitable employ-  
ment shall be final and conclusive.

20 (2) Any person who has been employed in a  
baking business purchased or appropriated under this  
Act, and who left such employment during the present  
war and entered the military service of His Majesty,  
shall be deemed, for the purposes of this section, to have  
25 been employed in the said business at the date of the  
purchase or appropriation thereof.

(3) Any employee of the commission or person <sup>Penalties.</sup>  
given such suitable employment as aforesaid who takes  
part in any strike or is dismissed from such suitable  
30 employment for misconduct shall forfeit all rights under  
this section.

(4) Any person dismissed as last mentioned or  
deprived of his said rights for taking part in any strike  
may appeal to the Public Service Board, whose decision  
35 shall be final.

**66.**



*Bakeries.*

**66.** (1) This Act shall apply to such portions of Application.  
New South Wales as the Governor may proclaim in the  
Gazette.

(2) If the commission acquires under this Act  
5 the business of any baker in premises situate in a portion  
of New South Wales to which this Act applies, it shall  
also, within six months thereafter, so acquire the  
business of every other baker in premises situate within  
the same area.

10 **67.** The Governor may make regulations for carrying Regulations.  
out the provisions of this Act.

Sydney : William Applegate Gullick, Government Printer.—1916.

[1s. 6d.]