

BREAD INDUSTRY (AMENDMENT) ACT.

Act No. 56, 1964.

An Act to make further provisions in respect of the ^{Elizabeth II,} times for the baking and delivery of bread; for ^{No. 56, 1964} this purpose to amend the Bread Industry Act, 1946-1958; and for purposes connected therewith. [Assented to, 16th December, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Bread Industry ^{Short title} (Amendment) Act, 1964". ^{and citation.}

(2) The Bread Industry Act, 1946, as amended by subsequent Acts and by this Act, may be cited as the Bread Industry Act, 1946-1964.

2. The Bread Industry Act, 1946-1958, is amended— ^{Amendment of Act No. 40, 1946.}

(a) by omitting from the definition of "Inspector" in section three the words "Factories and Shops Act, Sec. 3. 1912, as amended by subsequent Acts" and by ^{(Defini-} inserting in lieu thereof the words "Factories, Shops ^{tions.)} and Industries Act, 1962, or any Act amending or replacing that Act";

(b)

No. 56, 1964**Sec. 4.**(Application
of Act.)

- (b) by omitting from section four the words “other than Part IV”;

Sec. 5.(Commenc-
ing times of
employees
engaged in
making or
baking
bread.)

- (c) by inserting in section five after the words “said section” the words “, or in Schedule 1A to this Act, as the case may require,”;

Sec. 6.(Manufac-
ture of
bread at
certain
times pro-
hibited.)

- (d) by inserting in paragraph (b) of section six after the words “said section” the words “, or by Schedule 1A to this Act, as the case may require,”;

Sec. 6A.(Variation
of com-
mencing
times.)

- (e) (i) by omitting subsection three of section 6A and by inserting in lieu thereof the following subsection : —

(3) (a) The Minister, whenever after the commencement of the Bread Industry (Amendment) Act, 1964, he varies the times for commencing work specified in the First Schedule to this Act, shall by the terms of such variation state either—

- (i) that the variation is in accordance with paragraph (b) of this subsection, or
- (ii) that the variation is in accordance with paragraph (c) of this subsection.

(b) Where the variation was made before such commencement or is stated to be in accordance with this paragraph, such variation shall be as follows, that is to say : —

- (i) the figures, symbols and letters “3.30 a.m.” shall be substituted for the figures, symbols and letters “4.30 a.m.” wherever occurring in the said Schedule;

(ii)

(ii) the figures, symbols and letters "4.30 a.m." shall be substituted for the figures, symbols and letters "5.30 a.m." wherever occurring in the said Schedule;

(iii) the figure, symbols and letters "2 a.m." shall be substituted for the figure, symbols and letters "4 a.m." wherever occurring in the said Schedule.

(c) Where the variation is stated to be in accordance with this paragraph, such variation shall consist in the substitution for the times for commencing work specified in the said Schedule of those specified in Schedule 1A to this Act.

(ii) by inserting next after subparagraph (i) of paragraph (a) of subsection four of the same section the following new subparagraph :—

(ia) that a bread manufacturer shall in respect of his employees so engaged in such bakehouse, or in respect of such class or classes of those employees as the Minister may specify, observe such of the terms of an award as the Minister may specify. Such a condition may be imposed whether or not the award would but for the operation of this section be binding on the bread manufacturer in respect of any such employee;

(iii) by inserting at the end of the same paragraph the following proviso :—

Provided that nothing in subparagraph (ia) of this paragraph shall affect the obligation of a bread manufacturer to observe the terms of an award whether such terms are the subject of a condition under the said subparagraph or not;

(iv)

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- (iv) by inserting in paragraph (b) of the same subsection after the symbols and numeral “(i)” where firstly occurring the word, symbols, numeral and letter “or (ia)”;
- (v) by inserting in subparagraph (i) of the same paragraph after the words “rate or rates of wages” where firstly occurring the words “or of any other amounts”;
- (vi) by inserting in the same subparagraph after the words “rate or rates of wages” where secondly occurring the words “or other amounts”;
- (vii) by omitting from the same subparagraph the word “lowest” wherever occurring;
- (viii) by omitting subparagraph (ii) of the same paragraph and by inserting in lieu thereof the following subparagraph :—
 - (ii) in respect of any employee, the condition, in so far as it relates to such additional rate or rates of wages or other amounts, shall if or to the extent to which it is not a term of the award applicable to his employment by virtue of the said Act, as so amended, be deemed, for the purposes of section ninety-two of the said Act, as so amended, to be a term of the last mentioned award;
- (ix) by inserting in subparagraph (iii) of the same paragraph after the figures “1955,” the words “or any Act amending or replacing the said Acts”;
- (x) by inserting at the end of subsection five of the same section the words “: Provided that where any such failure to comply is also a contravention of or failure to observe an award, proceedings in respect of the subject matter

matter of such offence may be taken either **No. 56, 1964**
under this Act or under the Industrial Arbitra-
tion Act, 1940, as amended by subsequent
Acts, but the offender shall not be liable to a
penalty under both this Act and the said Act,
as so amended, in respect thereof.”;

- (f) by inserting at the end of section seven the follow- **Sec. 7.**
ing new subsection :— **(Exemption.)**

(2) Where but for the operation of this sub-
section there would be more than three successive
days on which the making or baking of bread by
bread manufacturers and employees for trade or
sale would be contrary to any of the provisions of
this Act, the Minister may exempt bread manufac-
turers and employees from such provisions to the
extent necessary to enable such making or baking
to be carried out on any one of those days as
specified in the exemption, subject to such condi-
tions as the Minister may determine.

- (g) by omitting from paragraph (c) of the proviso to **Sec. 8.**
subsection one of section eight the words “or by **(Delivery**
Statute”; **of bread**
during cer-
tain hours
prohibited.)

- (h) (i) by omitting from subsection three of section **Sec. 11.**
eleven the words “police or”; **(Proceed-**
ings.)

- (ii) by omitting from subsection four of the same
section the words “police or”;

- (i) by inserting next after the First Schedule the follow- **New**
ing new Schedule :— **Schedule 1A.**

SCHEDULE

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Sec. 6A.
SCHEDULE 1A.
ALTERNATIVE HOURS FOR BAKING.

Type of Week.	Times for commencing work.						
	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
1. Ordinary week	2 a.m.	3.30 a.m.	3.30 a.m.	3.30 a.m. and mid-night.	Carry on from Thurs-day night.	....
2. In which <i>Monday</i> is a holiday.	2 a.m.	3.30 a.m.	3.30 a.m. and mid-night.	Carry on from Thurs-day night.	....
3. The week <i>previous</i> to this <i>Monday</i> holiday.	2 a.m.	3.30 a.m.	3.30 a.m.	3.30 a.m.	2 a.m. and 10 p.m.	Carry on from Friday night.
4. In which <i>Tuesday</i> is a single holiday.	Midnight	Carry on from Sunday night.	....	2 a.m.	3.30 a.m. and mid-night.	Carry on from Thurs-day night.	....
5. In which <i>Wednesday</i> is a single holiday.	2 a.m. and midnight.	Carry on from Monday night.	....	2 a.m. and midnight.	Carry on from Thurs-day night.	....
6. In which <i>Thursday</i> is a single holiday.	2 a.m.	3.30 a.m. and mid-night.	Carry on from Tuesday night.	Midnight	Carry on from Thurs-day night.	....

SCHEDULE

SCHEDULE 1A—continued.		Times for commencing work.						
Type of Week.		Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
7. In which <i>Friday</i> is a single holiday and is not followed by a Monday holiday.		2 a.m.	3.30 a.m.	3.30 a.m. and mid-night.	Carry on from Wednesday night.	Midnight	Carry on from Friday night.
8. In which <i>Good Friday</i> occurs.		2 a.m.	3.30 a.m.	3.30 a.m. and mid-night.	Carry on from Wednesday night.	10 p.m.	Carry on from Friday night.
9. Which follows <i>Easter week-end</i>	2 a.m.	3.30 a.m.	3.30 a.m. and mid-night.	Carry on from Thursday night.	....
10. In which <i>Saturday</i> is a public holiday.		2 a.m.	3.30 a.m.	3.30 a.m.	3.30 a.m. and mid-night.	Carry on from Thursday night.	....
11. In which <i>Monday and Tuesday</i> are holidays.		2 a.m.	3.30 a.m. and mid-night.	Carry on from Thursday night.	....
12. The week previous to that outlined in 11.		2 a.m.	3.30 a.m.	3.30 a.m.	3.30 a.m.	2 a.m. and 10 p.m.	Carry on from Friday night.

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SCHEDULE 1A—continued.
ALTERNATIVE HOURS FOR BAKING—continued.

Type of Week.	Times for commencing work.						
	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
13. In which <i>Tuesday</i> and <i>Wednesday</i> are holidays.	10 p.m.	Carry on from Sunday night.	....	....	2 a.m. and midnight.	Carry on from Thursday night.	....
14. In which <i>Wednesday</i> and <i>Thursday</i> are holidays.	2 a.m. and 10 p.m.	Carry on from Monday night.	....	Midnight	Carry on from Thursday night.	....
15. In which <i>Thursday</i> and <i>Friday</i> are holidays.	2 a.m.	3.30 a.m. and 10 p.m.	Carry on from Tuesday night.	....	Midnight	Carry on from Friday night.
16. In which <i>Friday</i> and <i>Saturday</i> are holidays.	2 a.m.	3.30 a.m.	3.30 a.m. and 10 p.m.	Carry on from Wednesday night.	....	....
17. Week in which <i>Saturday</i> and the <i>Monday</i> in the following week are holidays.	2 a.m.	3.30 a.m.	3.30 a.m.	3.30 a.m. and 10 p.m.	Carry on from Thursday night.	....

CROWN