

BREAD INDUSTRY ACT.

Act No. 40, 1946.

George VI.
No. 40, 1946.

An Act to make provision for day baking; to amend the Factories and Shops Act, 1912, and the Industrial Arbitration Act, 1940, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st May, 1946.]

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:—

PART I.

PRELIMINARY.

Short title,
commence-
ment and
construc-
tion.

1. (1) This Act may be cited as the "Bread Industry Act, 1946."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

Division
into
Parts.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—DAY BAKING.

PART III.—GENERAL.

PART IV.—AMENDMENT OF FACTORIES AND SHOPS ACT, 1912, AS AMENDED BY SUBSEQUENT ACTS.

SCHEDULE.

3.

3. In this Act unless the context or subject matter otherwise indicates or requires:—

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Definitions.

“Bread” includes bread rolls.

“Bread distributor” means a person who sells bread purchased from a bread manufacturer to bread resellers, wholesale users or consumers, but does not include a bread reseller.

“Bread manufacturer” means a person who carries on the business of manufacturing, preparing or baking bread for sale or who, in carrying on any business, manufactures, prepares or bakes bread for consumption or use in the course of that business.

“Bread reseller” means a person who sells bread by retail at his place of business, but does not include a person who supplies bread for consumption or use on his premises.

“Inspector” means inspector within the meaning of the Factories and Shops Act, 1912, as amended by subsequent Acts.

“Make or bake” in relation to bread does not include any operations connected with the preparation of dough for bread or with the firing of ovens.

“Prescribed” means prescribed by this Act or the regulations made thereunder.

4. This Act other than Part IV shall apply to the Counties of Cumberland and Northumberland and to such other districts as the Governor may by proclamation published in the Gazette direct.

Applica-
tion
of Act.

PART II.

DAY BAKING.

5. The time or times for commencing work for employees engaged in the making or baking of bread on any day in any week of a type set forth in the Schedule to this Act shall be the time or times for commencing work specified in such Schedule in respect of such day.

Commencing
times of
employees
engaged in
making or
baking
bread.

6.

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Manufac-
ture of
bread at
certain
times
prohibited.

6. Any bread manufacturer or employee engaged in the making or baking of bread who in the County of Cumberland or County of Northumberland or in any other district to which this Act applies makes or bakes for trade or sale any bread after the hour of six o'clock in the afternoon of any working day and before the time next after such hour fixed by the Schedule to this Act as a time for commencing work for employees engaged in the making or baking of bread shall be guilty of an offence against this Part of this Act.

Exemption.

7. The Minister may in the case of any emergency or unforeseen circumstances exempt any bread manufacturer or employee engaged in the making or baking of bread from the operation of all or any of the provisions of sections five and six of this Act for such period and subject to such conditions as the Minister may determine.

Delivery
of bread
during
certain
hours pro-
hibited.

8. (1) Any person being a bread manufacturer, bread distributor or an employee of a bread manufacturer or bread distributor who in the County of Cumberland or County of Northumberland or any other district to which this Act applies delivers, by vehicle or other receptacle, any bread to a purchaser before the time that may be fixed by an award (whether in force at the commencement of this Act or made after such commencement) for the time being in force under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, for the commencing of the ordinary hours of work by breadcarters in such County or district or after the time that may be so fixed for the cessation of the ordinary hours of work by breadcarters in such County or district, shall be guilty of an offence against this Part of this Act:

Provided that—

- (a) no such person shall so deliver bread after the hour of eleven o'clock in the forenoon on a Saturday, not being a treble delivery day, and before the time fixed by any such award for the commencing of the ordinary hours of work by breadcarters in such County or district for the next working day;
- (b) where a Saturday is a treble delivery day no such person shall so deliver bread after the hour of seven o'clock in the afternoon and
before

before the time fixed by any such award for No. 40, 1946.
the commencing of the ordinary hours of work
by breadcarters in such County or district for
the next working day;

- (c) no such person shall so deliver bread after the hour fixed by any such award for the cessation of the ordinary hours of work by breadcarters in such County or district on the working day next preceding any day fixed by that award or by Statute as a holiday and before the time fixed by that award for the commencing of the ordinary hours of work by such breadcarters on the next working day following such holiday.

In this section "treble delivery day" means a day in which three days' bread or more is delivered.

(2) This section shall not apply to or in respect of the delivery of bread to a purchaser on the premises of the bread manufacturer or bread distributor.

9. Any person who commits an offence against this Part of this Act shall be liable upon summary conviction for a first offence to a penalty not exceeding fifty pounds and for a second offence to a penalty of not less than twenty-five pounds and not exceeding one hundred pounds, and for a third or subsequent offence to a penalty of not less than fifty pounds and not exceeding two hundred pounds. Penalty.

PART III.

GENERAL.

10. (1) Any inspector authorised in that behalf by the Minister shall have power— Inspection.

- (a) to enter and inspect at all reasonable hours by day or night any premises of any bread manufacturer, bread distributor or bread reseller, for the purpose of ascertaining whether the provisions of this Act and the regulations thereunder are being complied with;

(b)

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- (b) to require the production of any books, documents and papers referring to the manufacture, distribution and sale of bread and to examine, make copies of or extracts from the same;
- (c) to stop any person engaged in the distribution or delivery of bread and search any vehicle, basket or other means used in connection with such distribution or delivery;
- (d) to interrogate any bread manufacturer, bread distributor or bread reseller and any of their employees with respect to any matter coming within the provisions of this Act or the regulations thereunder.

(2) (a) Every bread manufacturer, bread distributor and bread reseller, their agents or servants, shall furnish the means required by an inspector for an entry, inspection, examination and inquiry, or the exercise of his powers under this Act or the regulations thereunder.

(b) If the admission of an inspector into any premises in the exercise of his powers under this Act or the regulations thereunder is refused or unreasonably delayed, such inspector, if accompanied by a member of the police force, may enter such premises with such assistance as may be deemed requisite.

(c) Every person who wilfully delays or obstructs an inspector in the exercise of any power conferred on him by this Act or the regulations thereunder, or who fails to comply with a requisition of an inspector made under any such power as aforesaid, or to produce any books, documents or papers which he is required to produce or who conceals or prevents any person from appearing before or being examined by an inspector in the execution of his powers shall be guilty of an offence against this Act:

Provided that no person shall be required to answer any question or give any evidence incriminating himself.

(3) (a) Every inspector shall be furnished with an authority and on applying for admission to any premises, or exercising any powers conferred on him by this Act or the regulations thereunder, shall, if required, produce such authority to the occupier or person concerned.

(b)

(b) Every person who forges or counterfeits any such authority or makes use of any forged, counterfeited, or false authority, or personates the inspector named in any such authority, or falsely pretends to be an inspector under this Act, shall be guilty of an offence against this Act. No. 40, 1946.

11. (1) Proceedings for an offence against this Act or the regulations thereunder may be taken by any person acting with the authority of the Minister. Proceedings.

(2) On a prosecution for any such offence an authority to prosecute purporting to be signed by the Minister shall be evidence of such authority without proof of the Minister's signature.

(3) All proceedings for offences against this Act or the regulations thereunder may be disposed of summarily before a police or stipendiary magistrate or an industrial magistrate appointed under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(4) The provisions of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, and the regulations thereunder, relating to proceedings before an industrial magistrate and to appeals from an industrial magistrate to the Commission shall apply mutatis mutandis to proceedings before a police or stipendiary magistrate or an industrial magistrate for offences against this Act or the regulations thereunder.

12. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof

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thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART IV.

AMENDMENT OF FACTORIES AND SHOPS ACT, 1912, AS AMENDED BY SUBSEQUENT ACTS.

Amend-
ment of
Act No. 39,
1912, sec.
118.
(Applica-
tion of
Division.)

13. (1) The Factories and Shops Act, 1912, as amended by subsequent Acts, is amended by inserting at the end of section one hundred and eighteen the following new subsection:—

(2) This Division of this Part of this Act shall not apply within the County of Cumberland or County of Northumberland or any district to which the Bread Industry Act, 1946, applies—

- (a) to or in respect of any person exercising the trade or calling of a baker, whether an employer of labour or not, or any person employed in such trade or calling, who in such County or in any such district makes or bakes bread for sale;
- (b) to any person being a baker or seller of bread, whether an employer of labour or not, or an employee or person acting for or on behalf of a baker or seller of bread or any contractor for the delivery of bread who delivers by vehicle or other receptacle any bread in such County or in any such district.

(2) The Factories and Shops Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Factories and Shops Acts, 1912-1946.

SCHEDULE.

Secs. 5, 6.

SCHEDULE.

HOURS FOR BAKING.

Type of Week.	Times for commencing work.						
	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
1. Ordinary week	4.30 a.m.	5.30 a.m.	5.30 a.m.	5.30 a.m.	4 a.m.	.....
2. In which <i>Monday</i> is a holiday.	4.30 a.m.	5.30 a.m.	5.30 a.m.	4 a.m.	.....
3. The week previous to this <i>Monday</i> holiday.	4.30 a.m.	5.30 a.m.	5.30 a.m.	5.30 a.m.	5.30 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	.....	4.30 a.m.	5.30 a.m.	4 a.m.	.....
5. In which <i>Wednesday</i> is a single holiday.	4.30 a.m.	4 a.m.	.....	4.30 a.m.	4 a.m.	.....
6. In which <i>Thursday</i> is a single holiday.	4.30 a.m.	5.30 a.m.	4 a.m.	.....	4 a.m.	.....
7. In which <i>Friday</i> is a single holiday and is not followed by a <i>Monday</i> holiday.	4.30 a.m.	5.30 a.m.	5.30 a.m.	4 a.m.	Midnight.	Carry on from Friday night.

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SCHEDULE.
HOURS FOR BAKING—*continued.*

Type of Week.	Times for commencing work.						
	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
8. In which <i>Good Friday</i> occurs.	4.30 a.m.	5.30 a.m.	5.30 a.m.	4 a.m.	10 p.m.	Carry on from Friday night.
9. Which follows <i>Easter week-end.</i>	4.30 a.m.	5.30 a.m.	5.30 a.m.	4 a.m.	.....
10. In which <i>Saturday</i> is a public holiday.	4.30 a.m.	5.30 a.m.	5.30 a.m.	5.30 a.m. and midnight.	Carry on from Thursday.	.....
11. In which <i>Monday and Tuesday</i> are holidays.	4.30 a.m.	5.30 a.m.	4 a.m.	.....
12. The <i>week previous</i> to that outlined in 11.	4.30 a.m.	5.30 a.m.	5.30 a.m.	5.30 a.m.	5.30 a.m. and 10 p.m.	Carry on from Friday night.

SCHEDULE.

SCHEDULE.
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.	.....	.....	4-30 a.m.	4 a.m.	.....
14. In which <i>Wednesday</i> and <i>Thursday</i> are holidays.	4-30 a.m. and 10 p.m.	Carry on from Monday.	.....	.....	4 a.m.	.....
15. In which <i>Thursday</i> and <i>Friday</i> are holidays.	4-30 a.m.	5-30 a.m. and 10 p.m.	Carry on from Tuesday.	.....	Midnight.	Carry on from Friday.
16. In which <i>Friday</i> and <i>Saturday</i> are holidays.	4-30 a.m.	5-30 a.m.	5-30 a.m. and 10 p.m.	Carry on from Wednesday.	.....	.....
17. Week in which <i>Saturday</i> and the <i>Monday</i> in the following week are holidays.	4-30 a.m.	5-30 a.m.	5-30 a.m.	5-30 a.m. and 10 p.m.	Carry on from Thursday.	.....

WORKERS'