

**BREAD (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO TERTIO

**ELIZABETHÆ II REGINÆ**

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**Act No. 59, 1974.**

An Act to regulate the weights of bread loaves; for this and other purposes to amend the Bread Act, 1969, and the Weights and Measures Act, 1915; and for purposes connected therewith. [Assented to, 16th October, 1974.]

**BE**

*Bread (Amendment).*

No. 59, 1974 **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:—

Short title. **1.** This Act may be cited as the "Bread (Amendment) Act, 1974".

Commence-  
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1) this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment  
of Act No.  
54, 1969. **3.** The Bread Act, 1969, is amended—

Sec. 2.  
(Division  
of Act.) **(a)** by omitting from section 2 the matter "s. 19" and by inserting instead the matter "ss. 19–19F";

Secs.  
19–19F. **(b)** by omitting section 19 and by inserting instead the following sections:—

Inter-  
pretation. **19.** (1) In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

"bread roll" means a loaf of bread—

(a) the weight of which does not exceed a weight prescribed for the purposes of this definition; or

(b) the weight of the dry solids contained in which does not exceed a dry solids weight prescribed for the purposes of this definition;

"loaf

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“loaf of bread” means the whole and undivided No. 59, 1974 portion of bread baked from a single mass of dough, or from two or more masses of dough fused together in baking for the purpose of producing a single article, and whether sold or commonly described as a loaf, or a roll, or otherwise;

“package” means any container, wrapper, band or other thing placed around any loaf of bread, loaves of bread or other bread but does not include anything in which two or more loaves of bread or portions of bread are contained for convenience in transport in bulk;

“sell” includes offer for sale, expose for sale or have in possession for the purpose of sale.

(2) For the purposes of this Part, a loaf of bread is of a standard weight if—

- (a) its weight is equal to, or exceeds by not more than a percentage prescribed for the purposes of this paragraph, a weight prescribed as a standard weight; or
- (b) the weight of the dry solids contained in the loaf is equal to, or exceeds by not more than a percentage prescribed for the purposes of this paragraph, a weight prescribed as a standard dry solids weight.

19A. (1) A person shall not—

- (a) make or bake for trade or sale a loaf of bread not of a standard weight; or
- (b) for trade or sale, pack into a package any portion or portions of bread not being a loaf, unless, if all the bread packed into the package constituted a loaf, that loaf would be of a standard weight.

Making and packing in standard weights.

Penalty:

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Penalty : for a first offence, \$200; for a second offence, \$400; for a subsequent offence, \$1,000.

(2) In this section "bread" and "loaf of bread" do not include a bread roll.

(3) Subsection (1) (b) does not apply to the packing into a package of food prepared with bread.

Sale in standard weights.

19B. (1) A person shall not sell—

- (a) a loaf of bread not of a standard weight;
- (b) any single portion of bread, not being a loaf of bread, unless that single portion would, if it were a loaf of bread, be a loaf of bread of a standard weight; or
- (c) any portions of bread not being loaves of bread, unless those portions are sold in a package and all the portions in that package would, if they constituted a loaf of bread, be a loaf of bread of a standard weight.

Penalty : \$200.

(2) In this section "bread" and "loaf of bread" do not include a bread roll.

(3) This section does not apply to the sale of food prepared with bread.

Particulars to be appended.

19c. (1) Regulations may be made for or with respect to—

- (a) prescribing particulars required to be appended to bread, or to any package, or both; and

(b)

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- (b) prescribing the manner in which prescribed particulars are required to be appended to bread, or to any package, or both. No. 59, 1974

(2) A person shall not sell any bread, or any package containing bread, to which any particulars are required by the regulations to be appended and to which those particulars are not appended, or not appended in the prescribed manner.

Penalty : \$200.

(3) In this section "appended to" includes affixed to, printed upon, and embossed upon.

(4) For the purposes of this section prescribed particulars shall be deemed not to be appended to bread or a package if—

- (a) the particulars are omitted wholly or in part; or
- (b) particulars purporting or appearing to be those prescribed are appended to the bread or package but are incorrect or misleading.

19D. It is a defence to a prosecution for an offence arising—

- (a) under section 19A—if the defendant proves that the bread to which the information relates was made or baked or, as the case may require, packed, to be sold outside the State;
- (b) under section 19B—if the defendant proves that—
  - (i) he obtained the bread to which the information relates from another person and directly or indirectly from a bakehouse within the State; and

(ii)

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- (ii) he did not know, and had no reasonable cause for believing, that the bread was not such as might be sold without his committing an offence under that section; or
- (c) under section 19C and relating to the sale of bread or a package to which incorrect or misleading particulars were appended—if the defendant proves that—
- (i) he obtained the bread or package to which the information relates from another person and directly or indirectly from a bakehouse within the State; and
- (ii) he did not know, and had no reasonable cause for believing, that the particulars were incorrect or misleading.

Evidence in prosecutions.

19E. On a prosecution for an offence under this Part, the production of a certificate of the result of any analysis (including the weighing of any components), where the certificate purports to have been signed by the Government Analyst or any of his officers, shall be evidence of the facts stated in the certificate without proof of the signature or appointment of the person appearing to have signed it.

Double jeopardy.

19F. Nothing in this Part affects the operation of Part III of the Consumer Protection Act, 1969, but no person shall in respect of the same act or omission be liable to be convicted for an offence against Part III of that Act as well as for an offence against this Act.

(c)

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- (c) by omitting section 30 (1) and by inserting instead **No. 59, 1974**  
the following subsection :—
- Sec. 30.  
(Pro-  
ceedings.)
- (1) In this section "offence" means an offence  
against this Act or the regulations.
- (d) by omitting section 31 ;
- Sec. 31.  
(Pro-  
ceedings for  
offences  
against  
Part V.)
- (e) (i) by omitting from section 32 (2) the word  
"made" and by inserting instead the word  
"may" ;
- Sec. 32.  
(Regu-  
lations.)
- (ii) by inserting after section 32 (2) the following  
subsection :—
- (3) Regulations may be made so as to  
apply differently according to such factors as  
are specified in the regulations.
- 4. The Weights and Measures Act, 1915, is amended—**
- Amendment  
of Act No.  
10, 1915.
- (a) by inserting after section 23 (2) the following  
subsection :—
- Sec. 23.  
(Exemp-  
tions.)
- (3) The provisions of this Part, sections 24 and  
29 excepted, do not apply to or in relation to bread.
- (b) by omitting section 27 (2) (b).
- Sec. 27.  
(Invoice or  
delivery note  
to be  
supplied in  
certain  
cases.)
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