

Bread Act 1969 No 54

[1969-54]



New South Wales

Status Information

Currency of version

Repealed version for 1 July 1994 to 30 June 1996 (accessed 24 November 2024 at 6:02)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Business Licences Act 1990 No 72](#) (not commenced)
- **Repeal**
The Act was repealed by Sch 1 to the [Bread Repeal Act 1996 No 3](#) with effect from 1.7.1996.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 July 1996

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New South Wales

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Bread Act 1969 No 54



New South Wales

An Act to make provisions in respect of times for the baking and delivery of bread, the licensing of bread manufacturers, the certification of operative bakers and certain other matters relating to the bread industry; to constitute a Bread Industry Advisory Committee; to amend the *Factories, Shops and Industries Act 1962*; to repeal the *Bread Industry Act 1946*, the *Bread Manufacture and Delivery Act 1950* and certain other enactments; and for purposes connected therewith.

Part 1 Preliminary

1 Name of Act and commencement

- (1) This Act may be cited as the *Bread Act 1969*.
- (2) This Act, except this section and section 7 shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, which day is in this Act referred to as the commencement of this Act.
- (3) This section shall commence upon the day upon which the assent of Her Majesty to this Act is signified.
- (4) Section 7 shall commence:
 - (a) upon a day, being later than the day appointed under subsection (2), to be appointed by the Governor and notified by proclamation published in the Gazette, or
 - (b) upon the anniversary of the commencement of this Act,whichever first occurs.

2, 3 (Repealed)

4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

apprentice means apprentice within the meaning of the *Apprentices Act 1969*.

bakehouse means any building or place in which any bread is manufactured, prepared or baked for trade or sale, and any place or room used in connection with any such building or place for storing bread when manufactured, prepared or baked for trade or sale or any material to be used in the manufacture, preparation or baking of bread for trade or sale.

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 trade or 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.

certificate means a certificate or any renewal thereof issued or deemed to have been issued pursuant to Part 3.

inspector means an inspector appointed under the [Industrial Relations Act 1991](#).

licence means a licence or any renewal thereof issued or deemed to have been issued pursuant to Part 3.

operative baker means a person engaged in the mixing, making, moulding, weighing (except check weighing from a divider) or baking, by hand or machine, of dough for bread, or in the taking of dough pieces for bread to a prover or moulder, or in the handing on or stripping of any ovens in connection with the baking of bread.

regulations means regulations made under this Act.

Secretary means the Secretary of the Department of Industrial Relations or the person for the time being acting as Secretary of that Department.

shop means any building or place in which bread is sold or exposed or offered for sale by retail.

trade supplier means a person carrying on the business of supplying trade supplies to bread manufacturers.

trade supplies means flour, yeast or any other ingredient or substance used in the manufacture, preparation or baking of bread, or any machine, implement or thing used in connection with the manufacture, preparation or baking of bread, or any service in respect of any such flour, yeast, ingredient, substance, machine, implement or thing.

- (2) Any reference in this Act to the supply of any trade supplies shall be deemed to include a reference to the rendering of any service mentioned in the definition of **trade supplies** in subsection (1).

Part 2 Deregulation of hours in the bread industry

5 Definitions

In this Part:

award means an award under the [Industrial Relations Act 1991](#).

employee means an employee within the meaning of that Act.

industrial agreement means a former industrial agreement or enterprise agreement within the meaning of that Act.

industrial tribunal means the Industrial Relations Commission or a Conciliation Committee of that Commission.

6 Starting and ceasing times for bread manufacture and delivery

- (1) An industrial tribunal may not fix or provide for the fixing of:
- (a) starting times or ceasing times, or both, for the manufacture, preparation, making, baking or delivery of bread, or
 - (b) periods during which bread may not be manufactured, prepared, made, baked or delivered.
- (2) A provision of:
- (a) an award (whenever made), or
 - (b) an industrial agreement (whenever made), or
 - (c) an order or decision of an industrial tribunal (whenever made or given),
- that fixes or provides for the fixing of such starting times or ceasing times or such periods (or that purports to do so) is of no effect.

7 Certain wages to be regarded as ordinary pay

- (1) Where an award or industrial agreement prescribes the payment of additional wages to employees or apprentices for the performance of work before or after a time or times specified by the award or agreement, those additional wages shall (if the award or agreement so prescribes) be regarded for the purposes of the [Annual Holidays Act 1944](#) or the [Long Service Leave Act 1955](#), or both, as part of the ordinary pay of those employees or apprentices.

- (2) Subsection (1) does not apply to overtime prescribed by the award or industrial agreement as being payable for the performance of work in excess of a specified number of hours within a specified period.

8 Saving of powers of industrial tribunals

Subject to section 6, nothing in this Part:

- (a) derogates from or affects any power or duty of an industrial tribunal to prescribe, by award, payments by way of overtime or penalty rates for any work done by employees or apprentices, or shall be taken as an expression or indication of intention that any such payments should or should not be so prescribed, or
- (b) derogates from or affects any other power or duty which an industrial tribunal would have had if this Part were not in force.

9-11 (Repealed)

Part 3 Bread manufacturers' licences and operative bakers' certificates

12 Bread manufacturers' licences

- (1) Any person who applies therefor is entitled to be issued with a licence to carry on in any premises the business of manufacturing, preparing or baking bread for trade or sale if the Secretary is satisfied that:
 - (a) the applicant is a fit and proper person to hold a licence, and
 - (b) the premises and the equipment and facilities provided or to be provided in the premises are suitable for use in the manufacture, preparation or baking of bread.
- (2) A person who carries on in any premises the business of bread manufacturer without being the holder of a licence in relation to those premises is guilty of an offence against this Act.
- (3) An application for a licence shall be made to the Secretary, shall be in a form approved by the Minister, shall specify the premises which the applicant proposes to use or, as the case may be, uses as a bakehouse or bakehouses and shall be accompanied by the prescribed fee.
- (4) A licence shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.
- (5) The Secretary may:
 - (a) grant any application for a licence either unconditionally or subject to such terms and conditions as the Secretary may impose, and

- (b) during the currency of a licence, impose terms and conditions, vary the existing terms and conditions of the licence or impose terms and conditions additional to the existing terms and conditions of the licence.
- (6) Any such term or condition may be made applicable to or in respect of all premises or to any one or more of the premises to which the application or, as the case may be, the licence relates.
- (7) A person, being the holder of a licence, who contravenes or fails to comply with any term or condition of the licence is guilty of an offence against this Act.
- (8) The Industrial Court, on the application of the Secretary, may:
 - (a) cancel any licence or direct that the renewal of any licence be refused, or
 - (b) suspend any licence for such period as the Industrial Court may determine, in relation to all premises or any one or more of the premises to which the licence relates, if the Industrial Court is satisfied that the person to whom the licence was issued:
 - (c) has contravened or failed to comply with any term or condition of the licence,
 - (d) is not a fit and proper person to hold a licence, or
 - (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years of prescribed offences (whether of the same or different kinds).
- (9) In subsection (8) **prescribed offences** means:
 - (a) offences under any Act relating to public health,
 - (b) offences arising under section 13, 14D, 15 or 17, and
 - (c) offences arising under section 4, 5, 8 or 9B of the *Bread Manufacture and Delivery Act 1950*.
- (10) Where a licence has been suspended under subsection (8), the person to whom the licence was issued shall, during the period of suspension, be deemed not to be the holder of a licence in relation to the premises in relation to which the licence was suspended.
- (11) The decision of the Industrial Court on any application made under subsection (8) shall be final and shall be carried into effect by the Secretary.
- (12) Nothing in this section affects the operation of the *Factories, Shops and Industries Act 1962*.

13 Operative bakers' certificates

- (1) Any person who applies therefor is entitled to be issued with a certificate authorising him to act as an operative baker if the Secretary is satisfied that the applicant:
 - (a) is a fit and proper person to hold a certificate, and
 - (b) has completed the prescribed course of training and passed the prescribed examinations or possesses the prescribed qualifications which entitle him to the issue of a certificate or is otherwise qualified for the issue of a certificate.
- (2) A person who acts as an operative baker in any bakehouse without being the holder of a certificate is guilty of an offence against this Act.
- (3) An application for a certificate shall be made to the Secretary, shall be in a form approved by the Minister and shall be accompanied by the prescribed fee.
- (4) A certificate shall, subject to this Part, remain in force for a period of one year from the date of the issue thereof and may be renewed from time to time for a like period.
- (4A) Subject to this Part, but notwithstanding subsection (4), where:
 - (a) the date of issue of a certificate is after 31 December 1977, the certificate shall remain in force until cancelled, and
 - (b) the date on which the renewal of a certificate takes effect is after 31 December 1977, the renewal shall remain in force until cancelled.
- (5) The Secretary may:
 - (a) grant any application for a certificate either unconditionally or subject to such terms and conditions as the Secretary may impose, and
 - (b) during the currency of a certificate, impose terms and conditions, vary the existing terms and conditions of the certificate or impose terms and conditions additional to the existing terms and conditions of the certificate.
- (6) A person, being the holder of a certificate, shall not contravene or fail to comply with any term or condition of the certificate.

Maximum penalty: 3 penalty units.
- (7) The Industrial Court, on the application of the Secretary, may:
 - (a) cancel any certificate or direct that the renewal of any certificate be refused, or
 - (b) suspend any certificate for such period as the Industrial Court may determine, if the Industrial Court is satisfied that the person to whom the certificate was issued:

- (c) has contravened or failed to comply with any term or condition of the certificate,
 - (d) is not a fit and proper person to hold a certificate, or
 - (e) has, whether before or after the commencement of this Act, been convicted three times within the previous five years for offences (whether of the same or different kinds) against any Act relating to public health.
- (8) Where a certificate has been suspended under subsection (7), the person to whom the certificate was issued shall, during the period of suspension, be deemed not to be the holder of a certificate.
- (9) The decision of the Industrial Court on any application made under subsection (7) shall be final and shall be carried into effect by the Secretary.
- (10) Subject to the provisions of subsection (11), a bread manufacturer who knowingly permits or suffers any person who is not the holder of a certificate to act as an operative baker in any bakehouse in respect of which the bread manufacturer holds a licence is guilty of an offence against this Act.
- (11) This section does not apply to or in respect of an apprentice or probationer for apprenticeship acting as an operative baker under the direct personal control and supervision of the holder of a certificate.

14 Appeal to Industrial Court

- (1) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Secretary:
- (a) refusing his application for a licence either generally or in relation to any premises or refusing his application for a certificate,
 - (b) granting his application for a licence, or his application for a certificate, subject to any term or condition, or
 - (c) varying any term or condition of the licence or certificate held by him, or imposing any term or condition or any additional term or condition thereof,
- may require the Secretary to state in writing the grounds for the decision with which the applicant or holder, as the case may be, is dissatisfied, and the Secretary shall forthwith furnish to the applicant or holder, as the case may be, a statement of those grounds.
- (2) Any applicant for or holder of a licence or certificate who is dissatisfied with any decision of the Secretary referred to in subsection (1) may, in the manner prescribed, appeal to the Industrial Court against that decision.
- (3) The appeal shall be by way of rehearing and the decision of the Industrial Court on the

appeal shall be final, shall be deemed to be the decision of the Secretary and shall be carried into effect accordingly.

Part 3A Bread—zoning

14A Definitions

In this Part, except in so far as the context or subject-matter otherwise indicates or requires:

bread does not include:

- (a) bread of which at least 60 per cent of the flour or mill content is rye flour or rye mill, and
- (b) bread of a prescribed class.

bread zone means an area declared to be a bread zone by an order in force under this Part.

franchise agreement means an agreement referred to in section 14C (b) (i), and includes:

- (a) the renewal of any such agreement, and
- (b) an agreement of a prescribed class.

sell includes offer for sale, expose for sale and have in possession for the purpose of sale.

14B Declaration of area as bread zone

- (1) Subject to this Part, the Minister may, by order published in the Gazette, declare that an area in New South Wales specified in the order is a bread zone for the purposes of this Part.

Editorial note—

Orders published in Gazettes of 9.5.1980, 25.7.1980, 8.8.1980, 15.8.1980 and 13.3.1981 were revoked by an order under section 14E published in Gazette No 72 of 9.6.1989, p 3400.

- (2) An area shall not be declared to be a bread zone if the area, or any part of the area, is in:
 - (a) the County of Cumberland, or
 - (b) the County of Northumberland or that part of the City of Newcastle which is outside the County of Northumberland.
- (3) An order under subsection (1) takes effect on and from the date the order is published in the Gazette or a later date specified in the order.

14C Conditions precedent to declaration of area as bread zone

An area shall not be declared to be a bread zone unless:

- (a) there is at least one bread manufacturer who manufactures, prepares and bakes bread in the area,
- (b) where, during the period of 3 months before the area is declared to be a bread zone, a person sold bread in the area in the course of his business as a bread manufacturer or bread distributor and that bread was manufactured, prepared or baked in a place in New South Wales that is outside the area:
 - (i) that person and a bread manufacturer referred to in paragraph (a) have entered into an agreement which, in the opinion of the Minister, provides for the continuation of the sale of bread in the area by that person, or
 - (ii) the bread manufacturers referred to in paragraph (a) have, in the opinion of the Minister, taken all reasonable steps to enter into such an agreement, and
- (c) the Minister is satisfied that, after the area is declared to be a bread zone, there will be sufficient bread of a satisfactory quality and variety available for sale in the area to meet the requirements of residents in the area.

14D Restriction on sale of bread in bread zone

(1) A person shall not sell any bread in a bread zone unless:

- (a) the bread was manufactured, prepared and baked in the bread zone,
- (b) the bread is sold pursuant to a franchise agreement,
- (c) the bread was previously sold in the bread zone pursuant to a franchise agreement,
- (d) the bread was manufactured, prepared or baked outside the bread zone by a person who had, before the area was declared to be a bread zone, purchased the business of a bread manufacturer who manufactured, prepared and baked bread in that area, or
- (e) the sale of the bread is exempted from the provisions of this section by the regulations.

Maximum penalty: for a first offence, 4 penalty units; for a second offence, 10 penalty units; for a subsequent offence, 15 penalty units.

(2) It is a defence to a prosecution for an offence arising under subsection (1) if the defendant proves that:

- (a) he obtained the bread to which the information relates from another person, and

(b) 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 subsection (1).

(3) Subsection (1) does not apply to the sale of:

- (a) bread manufactured, prepared or baked outside New South Wales, or
- (b) food prepared with bread.

14E Revocation of order declaring an area to be a bread zone

The Minister may revoke an order declaring an area to be a bread zone at any time and for any reason he thinks fit and, in particular, may revoke such an order if he is satisfied that:

- (a) there is insufficient bread of a satisfactory quality and variety available for sale in the bread zone to meet the requirements of residents in the bread zone,
- (b) a bread manufacturer who manufactures, prepares and bakes bread in the bread zone:
 - (i) has contravened any provision of this Act or the regulations, or
 - (ii) has not carried out his obligations under a franchise agreement, or
- (c) bread is no longer manufactured, prepared and baked in the bread zone.

Editorial note—

See Gazette No 72 of 9.6.1989, p 3400.

Part 4 Bread—delivery, trade supplies and standards

15 The Minister may require delivery of bread

- (1) The Minister may by notice in writing given to a bread manufacturer require him to sell and deliver or cause to be delivered bread in accordance with the provisions of this section within such area as he may specify in the notice.
- (2) Notwithstanding the terms of any contract, agreement or arrangement with any other bread manufacturer or person (whether made before or after the commencement of this Act), a bread manufacturer to whom any such notice has been given shall, if so required verbally or in writing by any person:
 - (a) sell to that person, and
 - (b) deliver or cause to be delivered at any place within the area specified in such notice,bread in such reasonable quantities and at such reasonable intervals as may from

time to time be stipulated in any usual and sufficient manner and on such terms and conditions as are usual in respect of bread so sold and delivered.

- (3) A person who contravenes or fails to comply with the provisions of subsection (2) is guilty of an offence against this Act.
- (4) Nothing in this section operates to require a bread manufacturer to sell and deliver or cause to be delivered:
 - (a) bread to any person who upon tender of delivery fails to pay the lawful retail price for the bread upon demand,
 - (b) bread at such a time that the delivery would constitute, or involve the commission of, an offence under Part 2, or
 - (c) bread required by him for consumption in the course of his business.
- (5) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.
- (6) In this section, **place** includes any house, shop, structure, building or any land or premises whatsoever, and any part of any such place which is separately occupied.

16 Trade suppliers to supply bread manufacturers with necessary trade supplies

- (1) The Minister may by notice in writing given to a trade supplier require him to supply to any bread manufacturer or any person proposing to commence business as a bread manufacturer named in the notice such trade supplies (being trade supplies in which the trade supplier ordinarily deals in the course of his business) as may be specified in the notice and in such quantities, at such times and intervals and subject to such terms and conditions as may be specified in the notice.
- (2) The Minister may revoke any such notice or suspend any such notice for such period or periods as he may think fit or may from time to time vary any terms and conditions of such notice in such manner as he may determine.
- (3) Notwithstanding the terms of any contract, agreement or arrangement with any other trade supplier, bread manufacturer or other person (whether made before or after the commencement of this Act), a trade supplier to whom any such notice has been given shall, if so required by the bread manufacturer or other person named in the notice supply to that bread manufacturer or other person trade supplies in accordance with the notice.
- (4) A person who contravenes or fails to comply with the provisions of subsection (3) is guilty of an offence against this Act.

Maximum penalty: 20 penalty units or imprisonment for twelve months.

- (5) Nothing in this section operates to require a trade supplier to supply trade supplies to any bread manufacturer or other person who, after being required so to do by the trade supplier, refuses to pay cash on delivery for any trade supplies supplied or required to be supplied to him.
- (6) Any act or thing done in order to comply with the provisions of this section shall be deemed not to be a breach or contravention of any contract, agreement or arrangement.

17 Standard loaf

- (1) Where the ingredients from which bread shall be made, the manner in which bread shall be made or processed or a standard or standards relating to the quality of bread have or has been prescribed, a person:
 - (a) being a bread manufacturer, shall not manufacture, prepare or bake for trade or sale bread not made from the prescribed ingredients, or not processed in the prescribed manner, or which does not conform to the prescribed standard or standards as to quality, or
 - (b) shall not sell or expose for sale bread knowing that it has not been so made, or that it has not been so processed, or that it does not conform to that prescribed standard or those prescribed standards.
- (2) A person who contravenes or fails to comply with the provisions of subsection (1) is guilty of an offence against this Act.
- (3) The Minister shall not recommend the making of any regulation prescribing any matter for the purposes of subsection (1) unless:
 - (a) he has appointed a committee consisting of representatives of the Department of Agriculture, the Health Commission of New South Wales, the Department of Industrial Relations and Technology and such other persons as the Minister may determine,
 - (b) that committee has considered the proposed regulation, and
 - (c) the Minister has had regard to any recommendation of that committee with respect to the proposed regulation.

18 Flour miller to specify description of ingredients

- (1) A flour miller shall not sell or deliver flour to a trade supplier, bread manufacturer or person proposing to commence business as a bread manufacturer unless there is conspicuously appended in the manner prescribed to every bag or other container in which the flour is sold or delivered such specification setting out such description as may be prescribed relating to the protein and maltose content of the flour and such other description of the ingredients contained in the flour and such other particulars

relating to the use of the flour in the manufacture of bread as may be prescribed.

- (2) A person who contravenes or fails to comply with the provisions of this section is guilty of an offence against this Act.

Part 5

19-19F (Repealed)

Part 6 The Bread Industry Advisory Committee

20 Definitions

In this Part:

Committee means the Bread Industry Advisory Committee constituted under this Part.

member means member of the Committee.

21 Constitution of Bread Industry Advisory Committee

- (1) There shall be constituted a Bread Industry Advisory Committee which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Part.
- (2) The Committee shall, subject to subsection (5), consist of seven members to be appointed by the Governor.
- (3) Of the members of the Committee:
- (a) one shall be the Secretary, who shall be chairman of the Committee,
 - (b) two shall be persons nominated by the Minister to be representative of employees engaged in the industry of the manufacturing and delivery of bread,
 - (c) two shall be persons nominated by the Minister to be representative of employers engaged in that industry, and
 - (d) two shall be persons nominated by the Minister to be representative of consumers of bread.
- (4) If the Secretary is unable to attend any meeting of the Committee he may appoint an officer of his Department to attend and act for him at that meeting and for all purposes that officer when so acting shall be deemed to be the chairman of the Committee.
- (5) Upon being requested so to do by the chairman of the Committee, the Minister may appoint persons to attend meetings of the Committee for the purpose of considering any matter and a person so appointed shall while so attending any meeting of the Committee be deemed for the purposes of this section and section 22 to be a

member.

22 Provisions applicable to Committee

- (1) Subject to this section the members, other than the chairman, shall hold office for a term of three years and shall be eligible for re-appointment from time to time upon the expiration of their term of office.
- (2) A member, other than the chairman, shall be entitled to receive such remuneration or fees for his services and a member shall be entitled to receive such travelling expenses as may be fixed from time to time by the Governor.
- (3) A member, other than the chairman, shall be deemed to have vacated his office if he:
 - (a) dies,
 - (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit,
 - (c) is a mentally ill person, a protected person or an incapable person within the meaning of the *Mental Health Act 1958*,
 - (d) resigns his office by writing under his hand addressed to the Governor, or
 - (e) is removed from office by the Governor.
- (4) On the occurrence of a vacancy in the office of a member, the Governor may appoint to the vacant office a person to be representative of the same interests as his predecessor and he shall, subject to this section, hold office for the remainder of his predecessor's term of office.
- (5) In the case of the illness or absence of a member other than the chairman, the Governor may appoint a deputy to act in the place of that member during his illness or absence.
- (6) A deputy appointed under subsection (5) while acting as a deputy may exercise and discharge all the powers, authorities, duties and functions of the member in whose place he acts.
- (7) For the purposes of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Committee by or under this Part, the Committee may, with the approval of the Minister concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.
- (8) A majority (one of whom shall be the chairman) of the members (including, where the Committee is considering any matter in respect of which additional members have been appointed under section 21 (5), those additional members) of the Committee

shall constitute a quorum for the purposes of any meeting of the Committee, and any duly convened meeting at which a quorum is present shall be capable of exercising and performing any of the powers, authorities, duties and functions conferred and imposed upon the Committee by or under this Act.

- (9) At any meeting of the Committee at which a quorum is present the decision of the majority of the members present and voting at such meeting shall be the decision of the Committee.
- (10) If at any meeting of the Committee the voting on any matter is equal, the chairman shall have a second or casting vote.
- (11) The Committee shall cause minutes of its proceedings and decisions at formal meetings to be kept.
- (12) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to this section and to any regulations in relation thereto, be as determined by the Committee
- (13) In subsections (1), (3), (4) and (5), **member** includes a person appointed under section 21 (5).

23 Functions of Committee

- (1) The Committee shall have power:
 - (a) to investigate and make recommendations to the Minister in respect of special measures necessary to improve methods of bread making and distribution and sanitary conditions in bakehouses,
 - (b) to recommend to the Minister standards of efficiency necessary for persons engaged in the manufacture of bread,
 - (c) to consider and recommend to the Minister any amendments of existing legislation and proposals for future legislation which in its opinion are necessary and desirable in respect of any matters relating to the industry of bread manufacturing, and
 - (d) when so directed by the Minister, to make recommendations to the Minister in respect of the declaration of an area as a bread zone under Part 3A.
- (2) The Committee shall, when so directed by the Minister, investigate and furnish to the Minister a report and recommendation with respect to any matter relevant to the industry of bread manufacturing which may be referred to the Committee by the Minister.

Part 7 General

24 Powers of inspectors

- (1) An inspector shall have power:
 - (a) to enter and inspect:
 - (i) at any time by day or night any premises of any bread manufacturer, bread distributor or bread reseller,
 - (ii) at any reasonable time by day or night any premises of a trade supplier,
for the purpose of ascertaining whether the provisions of this Act and the regulations are being complied with,
 - (b) to require the production of any licence or certificate or of any books, documents and papers referring to the manufacture, distribution, sale or supply of bread or trade supplies and to examine, make copies of or make extracts from them,
 - (c) to stop any person engaged in the distribution or delivery of bread or trade supplies and search any vehicle, basket or other means used in connection therewith,
 - (d) to interrogate any bread manufacturer, bread distributor, bread reseller or trade supplier and any of his employees with respect to any matter coming within the provisions of this Act or the regulations,
 - (e) to seize and take any adulterated, impure or unwholesome dough or ingredient in or upon any premises referred to in paragraph (a) which appears to be intended to be used for the purpose of manufacture of bread, and
 - (f) to seize and take samples of any dough, bread, meal or flour in or upon any such premises.
- (2) (Repealed)
- (3) A bread manufacturer, bread distributor and bread reseller, his 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 and if any bread manufacturer, bread distributor or bread reseller or any agent or servant of any of them fails or refuses to do so, he is guilty of an offence against this Act.
- (4) If the admission of an inspector into any premises in the exercise of his powers under this Act or the regulations is refused or unreasonably delayed, the inspector, if accompanied by a member of the police force, may enter the premises with such force and with such assistance as he may deem necessary.

- (5) A person who wilfully delays or obstructs an inspector in the exercise of any power conferred on him by this Act or the regulations, or who fails to comply with a requisition of an inspector made under any such power 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 is guilty of an offence against this Act.
- (6) Nothing in this section requires a person to answer any question incriminating himself.
- (7) 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, shall, if required, produce the authority to the occupier or person concerned.
- (8) Any person who forges or counterfeits any such authority or makes use of any forged, counterfeited, or false authority, or personates an inspector named in any such authority, or falsely pretends to be an inspector, is guilty of an offence against this Act.

25 Provision of means of entry for inspectors

- (1) The Minister may, from time to time, by notice in writing given to a bread manufacturer require him to make such provision to enable an inspector or inspectors to enter and inspect all parts of such premises of the bread manufacturer at such time or times, or at all times during such period, as the Minister may in the notice specify.
- (2) If a bread manufacturer to whom a notice is given under subsection (1) fails to comply with the requirements of the notice or if an inspector is unable, in accordance with the provision required to be made by a bread manufacturer in accordance with such a notice, to enter and inspect the premises referred to in the notice or any part of those premises, the bread manufacturer is guilty of an offence against this Act.

26 (Repealed)

26A Disclosure of information

- (1) Subject to subsection (2), a person who is, or was at any time, an inspector shall not disclose any information relating to any manufacturing or commercial secrets or working processes and obtained by him in connection with the administration or execution of this Act or the regulations.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not operate to prevent the disclosure of information where that disclosure is:
 - (a) made in connection with the administration or execution of this Act or the regulations,

- (b) made with the prior permission of the Minister, or
 - (c) ordered by a court, or by any other body or person authorised by law to examine witnesses, in the course of, and for the purpose of, the hearing and determination by that court, body or person of any matter or thing.
- (3) The Minister may grant the permission referred to in subsection (2) (b) only if he is satisfied that to do so would be in the public interest.

27 Access to bakehouses

- (1) In this section:
- (a) a reference to the bakehouse of a bread manufacturer is a reference:
 - (i) where the whole of any premises is occupied or used by the bread manufacturer for or in connection with the manufacture, preparation or baking of bread or the distribution or sale of bread manufactured, prepared or baked on the premises, to those premises,
 - (ii) where only a part or parts of any premises is or are so occupied or used by the bread manufacturer, to that part or those parts of the premises,
 - (b) **public street** means street, road, lane, thoroughfare or footpath open to and used by the public.
- (2) A person shall not in any premises carry on the business of a bread manufacturer:
- (a) unless there is a direct means of communication by way of ingress and egress complying with subsection (3) between his bakehouse and a public street, or
 - (b) if there is a means of ingress to or egress from his bakehouse otherwise than to or from a public street.
- (3) The means of communication between the bakehouse of a bread manufacturer and a public street, referred to in subsection (2) (a), shall:
- (a) be solely occupied by and be under the sole control of that person, and
 - (b) be such as to afford convenient and lawful access by inspectors to the whole of the bakehouse from the public street.
- (4) A person is, in respect of each day upon which he carries on a business contrary to the provisions of subsection (2), guilty of an offence against this Act.
- (5) A bread manufacturer, and every person in charge or apparently in charge of the manufacture, preparation or baking of bread in a bakehouse of a bread manufacturer, shall, whenever required verbally or in writing by the Minister or by an inspector to give particulars of the means of communication with the bakehouse of the bread

manufacturer, give to the Minister or to the inspector, as the case may be, such full and truthful particulars of the means of communication as would enable an inspector to find the means of communication and enter the bakehouse thereby.

- (6) The particulars referred to in subsection (5) shall:
- (a) be furnished within such time as the Minister or inspector may specify or, if the Minister or inspector does not specify any time, be furnished forthwith, and
 - (b) if the Minister or inspector so requires, be furnished in writing and be accompanied by a plan of the premises showing the means of communication.
- (7) Where any person fails to give particulars in accordance with subsections (5) and (6) in relation to the means of communication with a bakehouse of a bread manufacturer:
- (a) that person is guilty of an offence against this Act,
 - (b) all premises and all parts of premises adjacent to the bakehouse and used or apparently used for or in connection with the manufacture, preparation or baking of bread in the bakehouse or the distribution or sale of bread so manufactured, prepared or baked shall for the purposes of the exercise by any person of any power conferred on him by section 24 or 26 be deemed to be part of the bakehouse and to be in the sole occupation and under the sole control of the bread manufacturer.
- (8) Where a bread manufacturer has given particulars in accordance with subsections (5) and (6), he shall not at any time thereafter make any alteration in the means of communication with his bakehouse unless he has given the Minister at least seven days' notice of his intention to make the alteration and particulars thereof.
- (9) A bread manufacturer who fails to comply with the provisions of subsection (8) is guilty of an offence against this Act.

28 Service of notices etc

- (1) A notice authorised by this Act or the regulations to be given to or served on a person other than the Minister, the Secretary or a corporation shall be served:
- (a) by delivering the notice to that person personally,
 - (b) by prepaying the postage and posting the notice as a letter addressed to that person at his last known place of abode or business or, if he is carrying on business at two or more places, at one of those places,
 - (c) by leaving the notice at the last known place of abode of that person with some person apparently an inmate of that place and apparently not less than sixteen years of age, or

- (d) by leaving the notice at the last known place of business of that person or, if he is carrying on business at two or more places, at one of those places with some person apparently in the service of that person and apparently not less than sixteen years of age.
- (2) A notice authorised by this Act or the regulations to be given to or served on a person, being a corporation, shall be served:
 - (a) by prepaying the postage and posting the notice as a letter addressed to the corporation at its last known place of business or, if it is carrying on business at two or more places, at one of those places, or
 - (b) by leaving the notice at that place, or at one of those places, with some person apparently in the service of the corporation and apparently not less than sixteen years of age.
- (3) A notice that is authorised by this Act or the regulations to be given or made to or served on a bread manufacturer, and any summons to be served on a bread manufacturer in respect of any offence against this Act or the regulations, shall without prejudice to any other mode of service permitted by law be deemed to be duly served upon the bread manufacturer if the notice or summons is affixed to the door or some other conspicuous part of the premises of the bread manufacturer.
- (4) A reference in this section to a notice includes a reference to any requirement authorised to be made by this Act or the regulations that is in writing.

29 Penalty

- (1) A person who commits an offence against this Act is, where no other penalty is provided, liable for a first offence to a penalty not exceeding 4 penalty units, for a second offence to a penalty not exceeding 10 penalty units, and for a third or subsequent offence to a penalty not exceeding 15 penalty units.
- (2) A person shall be liable under subsection (1) to the penalty provided by that subsection for a second, third or subsequent offence, as the case may be, whether or not the information alleges or makes mention of a previous offence or offences.
- (3) Where a person convicted of an offence against this Act is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate is deemed to have committed the like offence and liable to the pecuniary penalty or imprisonment provided by this Act for that offence accordingly, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.
- (4) An offence committed by a person against the *Bread Industry Act 1946* or the *Bread Manufacture and Delivery Act 1950* shall, for the purposes of determining whether that person has committed a second, third or subsequent offence as referred to in

subsection (1) be counted as an offence against this Act.

30 Proceedings

- (1) In this section **offence** means an offence against this Act or the regulations.
- (2) Proceedings for an offence may be instituted:
 - (a) by an inspector, or
 - (b) by a person acting with the authority of the Minister.
- (3) On a prosecution for an offence an authority to prosecute purporting to be signed by the Minister shall be evidence of the authority without proof of the Minister's signature or his appointment as Minister
- (4) All proceedings for offences may be disposed of summarily before a Local Court constituted by a Magistrate sitting alone.
- (5) The provisions of the *Industrial Relations Act 1991*, and of the regulations under that Act, relating to appeals from, and the stating of a case by, a Local Court to the Industrial Court apply to proceedings before a Local Court for offences against this Act or the regulations.
- (5A) Notwithstanding anything in any Act, where any person other than a corporate body is, by any conviction or order, adjudged to pay any fine, penalty, sum of money or costs in respect of an offence, section 82 of the *Justices Act 1902*:
 - (a) operates in respect of that person in the same way as it would operate if that person were a corporate body, and
 - (b) except as provided by paragraph (a), has no operation in respect of that person.
- (6) In any proceedings for an offence a statement purporting to be signed by the Secretary:
 - (a) that any person was on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate and as to the terms and conditions, if any, of the licence or certificate,
 - (b) that any person was not on any date or during any period mentioned in the statement the holder of a licence in respect of any premises specified in the statement or the holder of a certificate, or
 - (c) that on any date or during any period mentioned in the statement the licence or certificate of any person was suspended,shall be evidence of the matters contained in the statement without proof of the

signature or of the official character of the person appearing to have signed it.

31 (Repealed)

32 Regulations

- (1) The Governor may make regulations not inconsistent with this Act for or with respect to:
 - (a) prescribing the form of accounts to be kept by bread manufacturers and trade suppliers,
 - (b) prescribing the standard or standards to be maintained by bread manufacturers in respect of ingredients used in the manufacture of doughs and the making or baking of bread,
 - (c) prescribing the forms of applications for licences and certificates and for renewals of licences and certificates and the forms of licences and certificates,
 - (d) requiring holders of licences to keep records and registers as prescribed,
 - (e) requiring licences and other prescribed documents to be exhibited and regulating the manner of exhibition,
 - (f) prescribing the fees to be paid on applications for licences and certificates,
 - (g) prescribing the course of training to be completed and the examinations to be passed by applicants for certificates and the qualifications the possession of which shall entitle a person to the issue of a certificate,
 - (h) the holding and conduct of examinations for certificates,
 - (i) providing for the establishment of a Bakers Examination Board and the powers, authorities, duties and functions of that Board,
 - (j) prescribing the fees to be paid for examinations for certificates,
 - (k) any matter the subject of a recommendation made by the Bread Industry Advisory Committee under section 23 (1) (a) and (b) in so far as regulations are necessary to give effect to the recommendation and provision with respect to that matter is not made under any other Act or regulations made thereunder,
 - (l) 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.
- (2) The regulations may impose a penalty not exceeding 1 penalty unit for any breach thereof.

(3) A provision of a regulation may:

- (a) apply generally or be limited in its application by reference to specified exceptions or factors,
- (b) apply differently according to different factors of a specified kind, or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

Schedules 1-3 (Repealed)