

BREAD MANUFACTURE AND DELIVERY ACT.

Act No. 17, 1950.

An Act to require bread manufacturers to deliver bread within prescribed distances from their bakehouses or distribution centres or within prescribed areas; to require trade suppliers to supply trade supplies to bread manufacturers; to regulate the manufacture of bread; to require flour millers to append certain information to bags and containers in which flour is delivered to trade suppliers and bread manufacturers; to repeal the Bread Act, 1901, and certain other Acts; and for purposes connected therewith or incidental thereto. [Assented to, 10th May, 1950.]

**George VI,
No. 17, 1950.**

BE

No. 17, 1950. **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, construction, and division into Parts.

1. (1) This Act may be cited as the "Bread Manufacture and Delivery Act, 1950."

(2) 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.

(3) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—BREAD—DELIVERY, VARIETY, STANDARDS and TRADE SUPPLIES.

PART III.—BREAD—WEIGHTS.

SCHEDULE.

Definitions. **2.** (1) In this Act, unless the context or subject matter otherwise indicates or requires:—

"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 manufacturer" means a person who carries on the business of manufacturing, preparing or baking bread for trade or sale.

"Distribution

“Distribution centre”, in relation to any bread manufacturer, means any building or premises to which bread is conveyed directly or indirectly from a bakehouse and at which bread is sold or from which bread is delivered to the premises of customers. **No. 17, 1950.**

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

“Shop” means any building or place in which goods are 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.

“Under Secretary” means Under Secretary, Department of Labour and Industry and Social Welfare.

(2) Any reference in Part II of this Act to the supplying of any trade supplies shall be deemed to include a reference to the rendering of any service mentioned in the definition of “Trade supplies.”

PART II.

BREAD—DELIVERY, VARIETY, STANDARDS AND TRADE SUPPLIES.

3. This Part of this Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. **Commence-ment.**

4.

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Bread
manufac-
turers
to deliver
bread to
premises
within three
miles of
bakehouse,
etc.

4. (1) 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 Part of this Act), a bread manufacturer 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 situated not more than three miles (measured by the nearest practicable route) from any bakehouse or distribution centre of such bread manufacturer for the time being in use,

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.

(2) Nothing in subsection one of this section shall operate to require—

(a) a bread manufacturer to sell and deliver or cause to be delivered bread to any person who upon tender of delivery fails to pay the lawful retail price for such bread upon demand;

(b) a bread manufacturer to sell and deliver or cause to be delivered bread in any area at any time before the time fixed in respect of that area by an award (whether in force at the commencement of this Part 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 commencement of the ordinary hours of work by bread carters, or after the time so fixed for cessation of the ordinary hours of work by bread carters;

(c) a bread manufacturer to sell and deliver or cause to be delivered bread at any place if the respective bakehouses or distribution centres

centres of three other bread manufacturers **No. 17, 1950.**
are closer to such place than the bakehouse or
distribution centre of such first mentioned
bread manufacturer;

- (d) a bread manufacturer to sell and deliver or
cause to be delivered bread to any person if
such bread manufacturer is the holder of a
certificate of exemption from the provisions of
subsection one of this section (which certificate
the Under Secretary is hereby authorised to
grant) which has not expired or been revoked.

The Under Secretary may at any time revoke
any certificate granted by him in pursuance of
this paragraph.

(3) The Governor may, from time to time, by
proclamation published in the Gazette, increase or
decrease the distance referred to in subsection one of
this section in relation to bakehouses and distribution
centres situated in any area specified in such
proclamation and upon publication of any such
proclamation the said subsection, so far as it relates to
such bakehouses and distribution centres, shall be
deemed to be amended and as so amended shall apply
accordingly; and the Governor may at any time in like
manner revoke, amend or vary any such proclamation as
aforesaid.

(4) The Governor may, from time to time, by
proclamation published in the Gazette, amend the
provisions of subsection one of this section in respect of
their application to any bakehouse or distribution centre
or group or class of bakehouses or distribution centres
specified in the proclamation by substituting a reference
to an area or areas specified in the proclamation for the
reference to the distance referred to in the said subsection
and upon publication of any such proclamation the said
subsection, so far as it relates to the specified bakehouse
or distribution centre or group or class of bakehouses or
distribution centres, shall be deemed to be amended, and
as so amended shall apply accordingly; and the Governor
may at any time in like manner revoke, amend or vary
any such proclamation as aforesaid.

(5)

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(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.

**The
Minister
may require
delivery of
bread.**

5. (1) The Minister may by notice in writing given to any bread manufacturer require such bread manufacturer to sell and deliver or cause to be delivered bread to any person at any place within such area and in accordance with such terms and conditions as may be specified in the notice.

Without limiting the generality of the foregoing provisions of this section such terms and conditions may include terms and conditions as to quantities of bread to be sold and delivered and the times of delivery.

(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 Part 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 accordance with the terms and conditions specified in such notice.

(3) 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.

(4)

(4) Nothing in subsections one and two of this section shall operate to require— **No. 17, 1950.**

- (a) a bread manufacturer to sell and deliver or cause to be delivered bread to any person who upon tender of delivery fails to pay the lawful retail price for such bread upon demand;
- (b) a bread manufacturer to sell and deliver or cause to be delivered bread in any area at any time before the time fixed in respect of that area by an award (whether in force at the commencement of this Part 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 commencement of the ordinary hours of work by bread carters, or after the time so fixed for cessation of the ordinary hours of work by bread carters.

(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) The provisions of this section shall have effect notwithstanding anything contained in section four of this Act.

(7) 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.

6. (1) The Minister may by notice in writing given to any bread manufacturer require such bread manufacturer to manufacture, prepare or bake for trade or sale bread in such types or varieties or types and varieties, in such quantities and at such intervals and for such period of time as may be specified in such notice.

The Minister may require bread manufacturer to bake different types or varieties of bread.

(2)

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(2) Any bread manufacturer to whom any such notice has been given who fails to comply with the requirements of such notice shall be guilty of an offence against this Part of this Act.

(3) 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 the requirements of such notice in such manner as he may determine.

Trade
suppliers to
supply
bread manu-
facturers
with
necessary
trade
supplies.

7. (1) Notwithstanding any contract, agreement or arrangement with any other trade supplier, bread manufacturer or other person (whether made before or after the commencement of this Part of this Act) a trade supplier who, at the commencement of this Part of this Act or at any time thereafter, is carrying on business as such shall, when so required by notice in writing by the Minister, supply to any bread manufacturer or any person proposing to commence business as a bread manufacturer named in such 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 such notice and in such quantities, at such times and intervals and subject to such terms and conditions as may be specified in such 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) Nothing contained in subsection one of this section shall operate 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.

(4) 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.

(5)

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(5) Any person who contravenes or fails to observe the provisions of this section shall be guilty of an offence against this Part of this Act and shall be liable to a penalty not exceeding one thousand pounds or to imprisonment for a term not exceeding twelve months. No. 17, 1950.

8. (1) All bread manufactured, prepared or baked for trade or sale or sold or exposed for sale shall be made from such ingredients and processed in such manner and shall conform to such standard or standards as to quality as may be prescribed. Standard loaf.

(2) In recommending the making of any regulation prescribing any matter permitted to be prescribed by subsection one of this section, the Minister shall have due regard to the recommendations of a committee appointed by the Minister and consisting of representatives of the Department of Agriculture, the Department of Public Health, the Department of Labour and Industry and Social Welfare and such other persons as the Minister may determine.

(3) Sections three and four of the Bread Act, 1901, as amended by subsequent Acts, are hereby repealed.

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

9. 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 such 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 such flour and such other particulars relating to the use of such flour in the manufacture of bread as may be prescribed. Flour miller to specify description of ingredients.

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 trade supplier

or

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or bread manufacturer or person carrying on the business of selling bread for the purpose of ascertaining whether the provisions of this Part of this Act and the regulations thereunder are being complied with;

- (b) to require the production of any books, documents and papers referring to the manufacture, distribution and sale of bread or trade supplies and to examine, make copies of or extracts from the same;
- (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 with such distribution or delivery;
- (d) to interrogate any trade supplier, bread manufacturer or person carrying on the business of selling bread and any of their employees with respect to any matter coming within the provisions of this Part of this Act or the regulations thereunder;
- (e) to seize and take any adulterated, impure or unwholesome dough or ingredient in or upon such premises which appears to be intended to be used for the purpose of manufacture of bread; and
- (f) to seize and take any sample or samples of any dough, bread, meal or flour in or upon such premises.

(2) (a) Every trade supplier, bread manufacturer and person carrying on the business of selling bread, 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 Part of this Act or the regulations thereunder.

(b) If the admission of an inspector into any premises in the exercise of his powers under this Part of this Act or the regulations thereunder is refused or unreasonably

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. No. 17, 1950.

(c) Every person who wilfully delays or obstructs an inspector in the exercise of any power conferred on him by this Part of 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 Part of this Act and shall be liable to a penalty not exceeding fifty pounds:

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 Part of this Act or the regulations thereunder, shall, if required, produce such authority to the occupier or person concerned.

(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 Part of this Act, shall be guilty of an offence against this Part of this Act and shall be liable to a penalty not exceeding fifty pounds.

(4) In this section, "inspector" means inspector within the meaning of the Factories and Shops Act, 1912, as amended by subsequent Acts.

11. (1) Any person who contravenes or fails to comply with the provisions of this Part of this Act shall be guilty of an offence against this Part of this Act. Offences.

(2)

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(2) Any person who is guilty of an offence against this Part of this Act shall, where no other penalty is provided, be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

(3) Where a person convicted of an offence against this Part of 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 shall be deemed to have committed the like offence and be liable to the pecuniary penalty or imprisonment provided by this Part of this Act for such 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.

Refusal or
cancellation
of
registration
of
bakehouses.

12. (1) The registration as a factory of any bakehouse pursuant to the provisions of the Factories and Shops Act, 1912, as amended by subsequent Acts, may be suspended by the Under Secretary for such period as he may think fit or may be cancelled by him or the registration or the renewal of registration as a factory of any bakehouse pursuant to that Act may be refused by him where he is satisfied that the occupier of such bakehouse has been convicted of an offence against this Part of this Act. During the period of such suspension such bakehouse shall be deemed not to be kept in conformity with Part II of the Factories and Shops Act, 1912, as amended by subsequent Acts.

In this subsection "factory" and "occupier" have the meanings respectively ascribed thereto by Part II of the Factories and Shops Act, 1912, as amended by subsequent Acts.

(2) If any person is dissatisfied with the decision of the Under Secretary in respect of any suspension, cancellation or refusal to register or renew registration pursuant to the provisions of subsection one of this section he may appeal against the decision of the Under Secretary in the manner prescribed to the Industrial Commission of New South Wales.

13.

13. (1) Proceedings for an offence against this Part of this Act or the regulations thereunder may be taken by any person acting with the authority of the Minister. **No. 17, 1950.**
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 Part of this Act or the regulations thereunder may be disposed of summarily before a 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 Industrial Commission of New South Wales shall apply, mutatis mutandis, to proceedings before a stipendiary magistrate or an industrial magistrate for offences against this Part of this Act or the regulations thereunder.

14. (1) The Governor may make regulations not inconsistent with this Part of this Act prescribing all matters which by this Part of 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 Part of this Act. **Regulations.**

Without prejudice to the generality of the foregoing power the Governor may make regulations—

- (a) prescribing the form of accounts to be kept by bread manufacturers and trade suppliers;
- (b) prescribing the forms and particulars to be supplied when applications are made for certificates of exemption from the provisions of subsection one of section three of this Act;
- (c)

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(c) 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.

(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 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 the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART III.

BREAD—WEIGHTS.

Commence-
ment.

15. This Part of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeal.

16. The Acts mentioned in the Schedule to this Act are to the extent therein expressed hereby repealed.

Bread to
be made
in
loaves
of certain
weight.
cf. Act No.
35,1901,
s. 5.

17. (1) All bread made or baked for trade or sale within the State shall be made into loaves weighing not less than one pound, two pounds and four pounds respectively according to the standard weight by law established.

(2)

(2) Every person, who makes or bakes for trade No. 17, 1950.
or sale—

- (a) bread of any denomination or size other than those specified in subsection one of this section;
or
- (b) any loaf which is found deficient of its due weight when weighed by an inspector,

shall be guilty of an offence against this Part of this Act and shall be liable for a first offence to a penalty not exceeding one hundred pounds, for a second offence to a penalty not exceeding two hundred pounds and for a third or subsequent offence to a penalty not exceeding five hundred pounds.

(3) Every person who sells or offers for sale—

- (a) bread of any denomination or size other than those specified in subsection one of this section;
or
- (b) any loaf which is found deficient of its due weight when weighed by an inspector,

shall be guilty of an offence against this Part of this Act and shall be liable to a penalty not exceeding ten pounds.

(4) It shall be a sufficient defence to any prosecution under this section for making or baking for trade or sale or selling or offering for sale any loaf which is found deficient of its due weight when weighed by an inspector if the defendant proves that such loaf was not made or baked within the period of twenty-four hours of its being so weighed.

(5) In this section, “bread” does not include bread rolls not exceeding six ounces in weight.

18. (1) Any inspector shall have power—

- (a) to enter and inspect at all reasonable hours by day or night any shop in which bread is sold or offered for sale or any bakehouse for the purpose of ascertaining whether the provisions of this Part of this Act are being complied with;

(b)

Powers of
inspectors.

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- (b) to view, weigh and try all bread in any shop in which bread is sold or offered for sale or in any bakehouse;
- (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 or person carrying on the business of selling bread and any of their employees with respect to any matter coming within the provisions of this Part of this Act; and
- (e) to seize and take any sample or samples of any bread in or upon such bakchouse or shop.

(2) (a) Every bread manufacturer and person carrying on the business of selling bread, 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 section.

(b) If the admission of an inspector into any premises in the exercise of his powers under this section 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 section, or who fails to comply with a requisition of an inspector made under any such power as aforesaid 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 Part of this Act and shall be liable to a penalty not exceeding fifty pounds:

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

(3)

(3) Every person who falsely pretends to be an inspector under this Part of this Act shall be guilty of an offence against this Part of this Act and shall be liable to a penalty not exceeding fifty pounds. No. 17, 1950.

(4) In this section, "inspector" means inspector of weights and measures appointed under the Weights and Measures Act, 1915, as amended by subsequent Acts.

19. All proceedings for offences against this Part of this Act shall be disposed of summarily before a court of petty sessions. Proceedings for offences.

20. Where a person convicted of an offence against this Part of 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 shall be deemed to have committed the like offence and be liable to the penalty provided by this Part of this Act for such 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. Provisions relating to offences by bodies corporate.

SCHEDULE.

Sec. 16.

No. of Act.	Name of Act.	Extent of Repeal.
1901, No. 35....	Bread Act, 1901 ...	Sections one, two, five to nine, both inclusive, and sections eleven to nineteen, both inclusive.
1923, No. 19....	Bread (Amendment) Act, 1923.	The unrepealed portion.