



ANNO TERTIO

## ELIZABETHAE II REGINAE

A.D. 1954

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## No. 34 of 1954

An Act to repeal the Bread Act, 1936, and to enact other provisions relating to bread.

[Assented to 16th December, 1954.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Bread Act, 1954".

Short title.

2. The Bread Act, 1936, is repealed.

Repeal of Bread Act, 1936.

3. (1) In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

Interpretation and application of Act.

"bakery" means any premises or place where bread is made for sale :

"bread" means a foodstuff which—

(a) is in the form of a loaf, roll, or other piece weighing more than six ounces avoirdupois at the time of sale ; and

(b) is made of yeast-leavened dough prepared from wheaten flour or other farinaceous material, and water with or without other substances ; and

(c) is not declared by regulations to be excluded from the definition of "bread" in this Act.

"flour" means the product obtained by grinding wheat with or without the process of sieving :

"inspector" means inspector holding office under this Act :

s. 3. (1) SHEPHARD v. CASHMORE (1937) S.A.S.R. 525. Held that a special bread differing in its ingredients from the ordinary commodity and made by a special process was not bread within the meaning of section 6 of the Bread Act, 1936.

“Vienna bread” means bread containing not less than the prescribed amount or percentage of—

- (a) edible fats ; and
- (b) sugar ; and
- (c) milk or milk solids.

(2) This Act shall not apply to—

- (a) cakes or pastry ; or
- (b) any other foodstuff declared by regulations under this Act to be excluded from the definition of “bread” in this Act.

(3) The Governor may make regulations declaring that any foodstuff defined or described in the regulations, or any foodstuff containing such ingredients in such quantities or percentages as are prescribed by the regulations shall be excluded from the definition of “bread” in this Act.

**Inspectors.**

4. (1) Every person appointed as an inspector of weights and measures by a municipal or district council shall be an inspector under this Act.

(2) The Governor may appoint any fit and proper person to be an inspector under this Act on any terms and conditions which the Governor thinks fit, and either as a full time or a part time officer ; and where the Governor so directs, a person so appointed shall not be subject to the Public Service Act, 1936-1953.

**Powers of inspectors.**

5. (1) An inspector may—

- (a) enter and inspect any bakery or any place which he has reasonable cause to believe to be a bakery ;
- (b) search any such bakery or place for the purpose of discovering any dough or bread therein ;
- (c) inspect, examine and weigh any dough or bread in any such bakery or place ;
- (d) inspect, remove and test or cause to be tested any scales or other weighing apparatus used or kept in a bakery ;
- (e) inspect or search any premises or place (whether a bakery or not) if he has reasonable cause to believe that such search or inspection may lead to the discovery of evidence of any offence against this Act.

(2) Any inspector—

- (a) may request the driver of a vehicle on which bread is being carried for sale or delivery to stop the vehicle ; and

- (b) may request such driver to sell to him such number of loaves as he reasonably requires for the purpose of the administration of this Act.

If any such driver—

- (i) fails to stop his vehicle when requested to do so under this subsection ; or
- (ii) having stopped his vehicle, does not cause it to remain stationary for a sufficient time to enable the inspector to purchase and take delivery of loaves of bread pursuant to this subsection ; or
- (iii) fails to sell or fails to deliver to the inspector, upon tender of the usual price, the number of loaves requested by him under this subsection,

he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(3) Any person who—

- (a) hinders any inspector in the exercise or attempted exercise of any power conferred on him by this section or any other provision of this Act ; or
- (b) prevents any inspector from exercising any such power,

shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(4) In this section “ driver ” means any person driving, or for the time being in charge of, a vehicle.

6. (1) Any person who, for the purpose of making bread Dough weights. (other than Vienna bread) weighs out any dough into pieces other than pieces the weight of each of which is—

- (a) not less than nine ounces and not more than ten ounces ; or
- (b) not less than eighteen ounces and not more than twenty ounces ; or
- (c) not less than thirty-six ounces and not more than forty ounces ; or
- (d) not less than seventy-two ounces,

shall be guilty of an offence.

(2) Any person who, for the purpose of making Vienna bread, weighs out any dough into pieces, other than pieces the weight of each of which is not less than twenty-seven ounces and not more than thirty ounces, shall be guilty of an offence.

(3) Any person guilty of an offence against subsection (1) or subsection (2) of this section shall be liable to a fine of not less than ten pounds and not more than one hundred pounds.

(4) For the purpose of ascertaining the weight of a piece of dough for the purposes of this section, twelve pieces of dough appearing to be composed of the same ingredients and to be of approximately the same size shall be selected at random in the bakery and the average weight of the twelve pieces shall be taken to be the weight of each of them.

(5) Any person who—

(a) bakes into bread (other than Vienna bread) any piece of dough the weight of which does not comply with subsection (1) of this section ; or

(b) bakes into Vienna bread any piece of dough the weight of which does not comply with subsection (2) of this section,

shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(6) Notwithstanding any other enactment to the contrary, no court shall have power to reduce the fine for an offence against subsection (1) or subsection (2) of this section below the minimum prescribed in subsection (3) of this section.

Amount of dry  
matter in  
bread.

7. (1) The Governor may by regulations prescribe the minimum amount or proportion of dry matter to be contained in loaves of bread of any size, weight or kind specified in the regulations, or in pieces of dough intended to be baked into such loaves.

(2) Any person who—

(a) sells any loaf of bread not complying with the regulations under this section ;

(b) weighs out for the purpose of making bread or bakes into bread any piece of dough not complying with the regulations under this section,

shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(2) In this section “dry matter” includes all substances other than water.

Evidence and  
proof of  
offences.

8. In proceedings for an offence against section 6 or 7 of this Act—

(a) the allegation that the purpose for which any dough was weighed out or baked was that of making

bread shall be *prima facie* evidence of the fact so alleged ; and

- (b) any pasty substance proved to have been in a bakery in such circumstances as to lead to the inference that it was there for the purpose of being converted into bread by baking shall be deemed to be dough unless the contrary is proved ; and
- (c) it shall not be necessary to prove *mens rea* on the part of the defendant : Provided that where the defendant is a person other than the proprietor or manager of the bakery it shall be a defence if he proves that he did not know and could not by reasonable diligence have discovered that the dough was not in accordance with this Act, or as the case may be, the regulations.

9. (1) Where any number of pieces of dough which do not comply with this Act are found on the same premises at or about the same time, one complaint under this Act may be laid in respect of all or any of such pieces of dough, but particulars of the deficiency or excess of weight of each piece of dough shall be specified in the complaint.

Complaint for multiple offence.

(2) A complaint relating to a number of pieces of dough which do not comply with this Act and are found on the same premises at or about the same time shall be deemed to disclose a single offence.

10. (1) Nothing in this Act shall apply to any dough made for the purpose of producing bread not intended for sale.

Exemption from Act.

(2) In any proceedings under this Act it shall lie upon the defendant to prove that dough was made for such a purpose.

11. (1) Every vehicle used for the carriage of bread for sale or delivery to retail buyers shall have conspicuously and prominently marked on it in clearly legible letters the true name or registered business name, and the address of the place of business of the seller of the bread.

Duty to put baker's name on vehicles.

(2) If any person drives or causes or permits to be driven, for the purpose of carrying bread for sale or for delivery on sale, any vehicle not marked as required by subsection (1) of this section he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(3) In this section the expression "true name" as applied to an individual person means his surname preceded by each of his christian names or the initial letter thereof ; and as applied to a company it means the name by which the company is registered.

Application of  
Weights and  
Measures Act  
to dough  
weighing  
machines.

**12.** (1) Any machine used by a baker for the purpose of weighing out pieces of dough (whether or not that is the sole purpose of the machine) shall be deemed to be a weighing instrument within the meaning of the Weights and Measures Act, 1934-1944.

(2) The use of any machine by a baker for the purpose of weighing out pieces of dough shall be deemed to be the use of that machine for trade within the meaning of the Weights and Measures Act, 1934-1944.

Summary  
procedure.

**13.** Proceedings for offences against this Act shall be disposed of summarily.

Regulations.

**14.** The Governor may make regulations prescribing any matters required or permitted by this Act to be prescribed, and any regulations necessary or convenient for securing the due administration and enforcement of this Act and may by any such regulation prescribe fines recoverable summarily and not exceeding fifty pounds for breach of any regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.