

**Version No. 033**  
**Bread Industry Act 1959**  
**No. 6529 of 1959**

Version incorporating amendments as at 7 December 2007

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**Version No. 033**  
**Bread Industry Act 1959**  
**No. 6529 of 1959**

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An Act relating to the Bread Industry.

**BE IT ENACTED** by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

**1 Short title, Division and commencement**

(1) This Act may be cited as the **Bread Industry Act 1959**.

(2) This Act is divided into Parts as follows:

\*                    \*                    \*                    \*                    \*

Part II—Bread Industry Supplies

Part III—Agreements

Part IV—General.

(3) The several Parts of this Act shall come into operation on such days as are respectively fixed by proclamation of the Governor in Council published in the Government Gazette.

S. 1(2)  
amended by  
No. 8542  
s. 3(2).

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## 2 Definitions

- (1) In this Act unless inconsistent with the context or subject-matter—

**bread** means the product obtained by baking a yeast-leavened dough prepared—

- (a) from flour or meal (whether as milled or with any added substances or with any of its component substances removed reduced or added to) and water; or
- (b) from any mixture of such flours or meals and water—

whether with or without the addition of any other substances of any kind, and whether sold as bread or under a trade or descriptive name, and includes bread rolls but does not include buns, scones or crumpets;

**bread industry supplies** means flour meal yeast or any other ingredient or substance used in the making or baking of bread or any machine implement or thing used in connexion with the making or baking of bread or any service in respect of any such flour yeast ingredient substance machine implement or thing;

**bread industry supplier** means a person carrying on the business of supplying any bread industry supplies to bread manufacturers;

**bread manufacturer** means a person carrying on the business of making and baking bread for trade or sale;

**bread seller** means a person, other than a bread manufacturer, carrying on the business of selling bread and delivering it to the premises of customers;

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**bread shop** means a shop (not conducted by a bread manufacturer or bread seller) at which bread as well as other commodities is sold to customers but from which bread is not ordinarily delivered to the premises of customers;

*	*	*	*	*	S. 2(1) def. of <i>flour or meal</i> repealed by No. 8542 s. 2.
*	*	*	*	*	S. 2(1) def. of <i>food standards committee</i> repealed by No. 8542 s. 2.
*	*	*	*	*	S. 2(1) def. of <i>making and baking</i> repealed by No. 8542 s. 2.
*	*	*	*	*	S. 2(1) def. of <i>Minister</i> repealed by No. 46/1998 s. 7(Sch. 1).

**Part** means Part of this Act;

**prescribed** means prescribed by this Act or the regulations;

**regulations** means regulations made under this Act.

- (2) Any reference in this Act to the supplying of any bread industry supplies shall be deemed to include a reference to the rendering of any service mentioned in the interpretation of **bread industry supplies**.

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- (3) Where any requirement request stipulation or other notice or information relating to any matter or transaction to which this Act applies is delivered or conveyed to or comes to the notice of any clerk servant or agent of any bread manufacturer bread seller or bread industry supplier in the course of the employment of that clerk servant or agent, then for the purposes of this Act that requirement request stipulation notice or information shall be deemed to have been delivered or conveyed to or to have come to the notice of the bread manufacturer bread seller or bread industry supplier in question.
- (4) Nothing in this Act shall be construed as derogating from any rule of law or equity whereby any contract or agreement is illegal voidable or void, whether by reason of being in unlawful restraint of trade or otherwise.

Pt 1 (Heading  
and ss 3-7)  
repealed by  
No. 8542  
s. 3(1).

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**PART II—BREAD INDUSTRY SUPPLIES**

**8 Bread industry suppliers to supply bread manufacturers with necessary supplies**

- (1) Every bread industry supplier shall supply to any bread manufacturer or to any person proposing to commence business as a bread manufacturer such bread industry supplies as the said bread industry supplier ordinarily deals in in the course of his business, and such supplies shall be supplied in such quantities as are required by the bread manufacturer or person to be supplied by requirement in writing and at such times and intervals as are specified in the requirement and on such terms and conditions as are usual in respect of such supplies.
- (2) Any person who contravenes or fails to comply with the last preceding subsection shall be guilty of an offence and liable to a penalty of not more than \$400.
- (3) In any prosecution for a failure to comply with subsection (1) of this section it shall be a sufficient defence to show—
  - (a) that the bread manufacturer or person proposing to commence business as a bread manufacturer had, after being required so to do by the defendant, refused to pay cash on delivery for any supplies supplied or required to be supplied to him; or

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Part II—Bread Industry Supplies

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- (b) that on the occasion in question the defendant, having used all due diligence had not available, after providing for all other requirements under bona fide contracts or agreements then subsisting, sufficient quantities of the supplies required to comply with the requirement in question.
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**PART III—AGREEMENTS**

*Agreements in conflict with this Act*

**9 Agreements precluding or hindering compliance with this Act declared illegal**

Any contract agreement or arrangement between any persons or any rule or determination of any association (whether made before or after the commencement of this Part)—

- (a) whereby the district or locality in which or the class of persons to which any person may sell or deliver bread industry supplies is restricted or limited in any way inconsistent with the provisions of this Act; or
- (b) whereby any person may directly or indirectly be precluded from complying or hindered in compliance with or be liable to any penalty liability forfeiture loss of rights privileges of benefits or any other disability because of or consequent upon compliance with any obligation which is imposed or which may be imposed upon him by or under this Act—

shall as from the making thereof or from the commencement of this Part (whichever last happens) be illegal and of no force or effect, and any person who on or after the said commencement makes or enters into any such contract agreement or arrangement or adopts or gives effect to any such rule or determination shall be guilty of an offence against this Act and liable to a penalty of not more than \$400.

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**PART IV—GENERAL**

*Inspection*

**10 Powers of inspectors**

S. 10(1)  
amended by  
No. 8542  
s. 4(a).

- (1) Every inspector under the **Labour and Industry Act 1958**, and every other person who is authorized in writing in that behalf by the Minister shall be an inspector for the purposes of this Act.
- (2) The provisions of Division 1 of Part X of the **Labour and Industry Act 1958** shall so far as applicable apply in respect of such inspectors with such modifications as are necessary and, in particular, with the modification that references therein to the said Act shall be construed as references to this Act.

Ss 10A–10C  
inserted by  
No. 6754 s. 2,  
repealed by  
No. 8542  
s. 4(b).

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*Offences*

**11 Prosecutions**

S. 11  
amended by  
Nos 6754  
s. 3(a), 8542  
s. 4(c)(i).

The provisions of section one hundred and ninety-one of the **Labour and Industry Act 1958** shall extend and apply to and in respect of proceedings under this Act and any reference therein to an inspector shall for the purposes of this Act be deemed to be a reference to an inspector under this Act.

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S. 11(2)  
inserted by  
No. 6754  
s. 3(b),  
amended by  
No. 7728 s. 2,  
repealed by  
No. 8542  
s. 4(c)(ii).

S. 11(3)(4)  
inserted by  
No. 6754  
s. 3(b),  
repealed by  
No. 8542  
s. 4(c)(ii).

## 12 Saving from liability for offence in certain cases

No person who is a bread seller or proprietor of a bread shop shall be guilty of any offence against this Act in respect of the sale or offering for sale of any bread if he proves to the satisfaction of the court—

- (a) that having taken all reasonable precautions against committing an offence he had at the time of the alleged offence no reason to suspect that there was in regard to the bread any contravention of or failure to comply with the provisions of this Act;
- (b) that on demand of any inspector or officer of the police force he gave all the information in his power with respect to the person from whom he obtained the bread; and
- (c) that otherwise he acted innocently—

and has, not less than two days before the hearing of the prosecution, notified the informant in writing that he intends to avail himself of the protection of this section giving details of the reasonable precautions which he claims to have taken.

### 13 Offences by bodies corporate

Where any offence against this Act is committed by any body corporate the body corporate shall be liable to the penalties therefor so far as such penalties are capable of being enforced against the body corporate and without affecting the liability of the body corporate therefor any director manager or officer of the body corporate who directs authorizes or permits the contravention of or failure to comply with the provisions of this Act shall also be guilty of an offence and severally liable to the penalties therefor.

#### *Appeals Against Convictions*

### 14 Appeals against convictions etc.

The provisions of section forty-seven of the **Labour and Industry Act 1958** shall apply with respect to convictions and orders in respect of offences against this Act and in respect of refusal or failure to make such orders in the same manner in all respects as they apply in respect of convictions orders refusals and failures in relation to offences against the said Act.

### 14A Decision by the Industrial Appeals Court

A decision by the Industrial Appeals Court on a question of law shall be binding on the Metropolitan Industrial Court and on magistrates' courts in proceedings arising under this Act.

### 15 Regulations

- (1) The Governor in Council may make regulations for or with respect to prescribing all matters and things authorized or directed to be prescribed or necessary or expedient to be prescribed for the purpose of this Act (and in any such regulations may make different prescription according to

S. 14A  
inserted by  
No. 7502  
s. 5(3),  
amended by  
No. 9427  
s. 6(1)(Sch. 5  
item 8).

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s. 15

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different circumstances and in respect of different  
classes of persons places or things).

\* \* \* \* \*

**S. 15(2)**  
repealed by  
**No. 6886 s. 3.**

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Sch.

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Sch.  
repealed by  
No. 8542 s. 5.

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## ENDNOTES

### 1. General Information

The **Bread Industry Act 1959** was assented to on 12 May 1959 and came into operation on 24 August 1959: Government Gazette 19 August 1959 page 2534.

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Endnotes
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## 2. Table of Amendments

This Version incorporates amendments made to the **Bread Industry Act 1959** by Acts and subordinate instruments.

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**Bread Industry (Legal Proceedings) Act 1961, No. 6754/1961**

*Assent Date:* 18.4.61  
*Commencement Date:* 18.4.61  
*Current State:* All of Act in operation

**Subordinate Legislation Act 1962, No. 6886/1962**

*Assent Date:* 8.5.62  
*Commencement Date:* 1.8.62: Government Gazette 4.7.62 p. 2314  
*Current State:* All of Act in operation

**Labour and Industry (Amendment) Act 1966, No. 7502/1966**

*Assent Date:* 20.12.66  
*Commencement Date:* 23.2.67: Government Gazette 22.2.67 p. 447  
*Current State:* All of Act in operation

**Bread Industry (Legal Proceedings) Act 1968, No. 7728/1968**

*Assent Date:* 2.12.68  
*Commencement Date:* 2.12.68  
*Current State:* All of Act in operation

**Bread Industry (Amendment) Act 1974, No. 8542/1974**

*Assent Date:* 30.4.74  
*Commencement Date:* 15.1.75: Government Gazette 8.1.75 p. 2  
*Current State:* All of Act in operation

**Statute Law Revision Act 1980, No. 9427/1980**

*Assent Date:* 27.5.80  
*Commencement Date:* S. 6(1)(Sch. 5 item 8) on 27.5.80: s. 1(2)  
*Current State:* This information relates only to the provision/s amending the **Bread Industry Act 1959**

**Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998**

*Assent Date:* 26.5.98  
*Commencement Date:* S. 7(Sch. 1) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Bread Industry Act 1959**

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**3. Explanatory Details**

No entries at date of publication.