

BREAD.

2° and 3° GEO. VI., No. XLIV.

No. 44 of 1938.

AN ACT to amend the Bread Act, 1903-1937.

[Assented to 31st January, 1939.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Bread Act Amendment Act, 1938*, and shall be read as one with the Bread Act, 1903-1937 (No. 5 of 1903 as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1937-1938), hereinafter referred to as the principal Act. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section three of the principal Act is amended as follows:— Amendment of s. 3.

(a) by inserting after the definition of "Baker's holiday" new definitions as follows:—

"Bakehouse" means any building, premises, room, or place in which the dough for bread or Vienna bread intended for sale is prepared and baked.

"Baker" means—

(a) in relation to employees, any person employed in or in connection with the mixing, moulding or baking of dough or on any general work in or in connection with the mixing, moulding or baking operations conducted in a bakehouse; and

(b) in relation to employers, any person who, either himself or by the services of employees employed therein, conducts the said operations in a bakehouse;

(b) by inserting after the definition of "bread" a new definition as follows:—

"Chief Inspector" means the Chief Inspector of Factories appointed under the Factories and Shops Act, 1920;

The term also includes the Assistant Chief Inspector of Factories appointed under the said Factories and Shops Act, 1920, whenever and as often as such Assistant Chief Inspector of Factories is, in accordance with the provisions of section six of that Act (as amended by the Act No. 54 of 1937), acting in the place of the Chief Inspector during the illness or temporary incapacity or temporary absence from office of the Chief Inspector.

(c) by inserting after the definition of "Inspector" a new definition as follows:—

"Minister" means the Minister of the Crown for the time being and from time to time charged with the administration of this Act.

New sections. 4. New sections are inserted in the principal Act after section three as follows:—

Administration.

3A. (1) Subject to the Minister, this Act shall be administered by the Chief Inspector.

(2) Subject as hereinafter provided, every inspector shall, in relation to the exercise of his powers and the performance of his duties as an inspector under this Act, be subject to the directions of the Chief Inspector.

Provided that nothing in this subsection shall limit the powers of an inspector in relation to prosecutions for offences against this Act.

Bakehouses to be licensed.

3B. (1) No baker (as defined in relation to employers) shall use or occupy any bakehouse as a bakehouse unless and until such bakehouse is licensed under

Provided that any baker who is at the commencement of this section already using or occupying a bakehouse as a bakehouse may apply to the Chief Inspector for the requisite license at any time within one month after the commencement of this section, and may continue to use or occupy such bakehouse in the meantime.

(2) Any person who fails to comply with the requirements of subsection (1) of this section shall be guilty of an offence.

Penalty: Twenty pounds, and in addition a daily penalty of one pound for every day or part of a day in which the bakehouse is used or occupied in contravention of this section.

(3) No license for a bakehouse shall be granted under this section unless and until it conforms in all respects with the conditions (if any) prescribed by the regulations under this Act and also with the provisions of the Factories and Shops Act, 1920-1937, and the regulations made thereunder relating to factories and applicable to such bakehouse as a factory.

(4) Application for a license for a bakehouse shall be made to the Chief Inspector in the prescribed form, and shall be accompanied by a license fee of ten shillings; and the applicant shall also furnish such particulars as are prescribed or as the Chief Inspector may require.

Provided that where application for a license is made in any year after the thirty-first day of December the applicant shall be required to pay only one-half of the amount of the license fee aforesaid.

(5) All licenses required under this section shall be applied for annually on or before the first day of July in each and every year and shall have effect for one year.

Provided that where a license is applied for within fifteen days after the first day of July such license shall be deemed to have been applied for as from such first day of July, and where such license is applied for on a day more than fifteen days after the first day of July in any year, such license shall

take effect as from the day when the license is actually granted, and shall continue in force until the thirtieth day of June next ensuing and no longer.

(6) (a) The Chief Inspector shall consider all applications for licenses under this section received by him, and, subject to this section, may grant or refuse any such application.

(b) All licenses when granted shall be issued by the Chief Inspector in the prescribed form.

(7) When the Chief Inspector refuses an application for a license, he shall give notice thereof in writing in the prescribed form to the applicant, and thereafter such applicant may, subject to and in accordance with the regulations, appeal against the decision of the Chief Inspector to the nearest stipendiary magistrate; and such magistrate, on hearing the appeal, may confirm such refusal or may order the Chief Inspector to grant the license, as to him may seem just, and effect shall be given to such decision of the magistrate.

License for
bakehouse
may be trans-
ferred.

3C. (1) The license for a bakehouse may, subject to the regulations, be transferred from the holder thereof to any person taking over from such holder the use or occupation of the licensed bakehouse.

(2) Application for the transfer of the license for a bakehouse shall be made to the Chief Inspector in the prescribed form, and shall be signed by both the transferor and the transferee, and shall be accompanied by a transfer fee of five shillings.

(3) When a license is transferred, the Chief Inspector shall cause a memorandum of such transfer in the prescribed form to be indorsed on the license transferred and shall sign the same.

Amendment
of s. 4.

5. Section four of the principal Act is amended—

- (i) by inserting after the word "ounces" in paragraph (b) of subsection (1) the following words, "or more than two lbs. six ounces";
- (ii) by inserting after the word "ounces" in paragraph (c) of subsection (1) the following words, "or more than four lbs. ten ounces."

6. Section five of the principal Act is amended— Amendment
of s. 5.

(i) by deleting the words “a nine ounce” appearing in paragraph (b) of subsection (1) and substituting the words, “not less than a nine ounce or more than a ten ounce”;

(ii) the said paragraph (b) is further amended by deleting the words “an eighteen ounce” appearing in that paragraph and substituting the words, “not less than an eighteen ounce or more than a twenty ounce.”

7. Section six of the principal Act is amended as follows:— Amendment
of s. 6.

(a) by inserting in subsection (1) after the word “extract” in the last line but one of such subsection the words “or other substances as prescribed by regulations”;

(b) by inserting in subsection (2) after the word “defined” in the last line of such subsection the words “or authorised.”

8. Section eleven of the principal Act is repealed and a section is inserted in lieu thereof as follows:— Amendment
of s. 11.
Repeal and
new section.

11. No person shall wilfully obstruct or hinder or attempt to obstruct or hinder any inspector or other person lawfully exercising any power or authority or performing any duty conferred or imposed upon him by this Act. No person to
obstruct or
hinder in-
spectors and
others in the
performance
of their duty.
Formerly s.
14 in No. 5
of 1903.

9. Section twelve of the principal Act is amended as follows:— Amendment
of s. 12.

(a) by deleting from subsection (5) the words “and Thursdays” in line five of the said subsection, and inserting in lieu thereof the words “Thursdays and Fridays”;

(b) by deleting from subsection (5) the words “or Thursday” in line six of the said subsection and inserting in lieu thereof the words “Thursday or Friday”;

(c) by deleting from subparagraph (iv) of paragraph (b) of subsection (6) the figure and letters

“12 p.m.” in line one and “3 a.m.” in the last line but one of the said subparagraph, and inserting in lieu thereof the figure and letters “midnight” in line one and “1 a.m.” in the last line but one;

- (d) by deleting from paragraph (c) of subsection (6) the words “with the consent of the industrial union of employers and the industrial union of workers operating in the bread industry in any district or place” in lines four, five, six and seven of the said paragraph;
- (e) by deleting from paragraph (c) of subsection (6) the word “that” in line nine of the said paragraph, and inserting in lieu thereof the word “any.”

Amendment
of s. 13.

10. Section thirteen of the principal Act is amended by adding thereto a subsection as follows:—

2. Notwithstanding anything to the contrary contained in subsection (1) of this section:—

- (a) bread and Vienna bread may be sold, offered or exposed for sale in a shop of a description mentioned in the Fourth Schedule to the Factories and Shops Act, 1920-1937, during the hours when such shop is permitted to be open for trade under the provisions of that Act; and
- (b) whenever any exceptional or unforeseen circumstances arise or are likely to arise at any particular time, the Minister may grant authority to any person to deliver or sell bread and Vienna bread in any district or place on any day (except Sunday) during such hours either in addition to or in substitution for the hours hereinbefore specified, and upon such conditions as the Minister may determine in any particular case; and in such event the delivery or sale of bread or Vienna bread during such additional or substituted hours and on the conditions imposed by the Minister shall not be a contravention of this section.

11. Section fourteen of the principal Act is amended as follows:— Amendment of s. 14.

(a) by adding to subsection (2) a further proviso as follows:—

Provided also—

(i) that where a poll is taken, as provided for in the next preceding proviso, in any municipal or road district and two or more persons are carrying on the business of bakers together in partnership in such municipal or road district, only one of such persons on behalf of all of them shall be entitled to vote at such poll, and then shall be entitled only to one vote. All of such persons may decide between them which one of them shall vote at the poll and immediately one of such persons has voted at such poll he shall be deemed to be the one of such persons selected by all of them to vote at such poll; and

(ii) where a poll is taken in any municipal or road district as aforesaid and any association, society or corporation is conducting the business of a baker in such district, only one vote shall be exercised at such poll by or on behalf of such association, society or corporation aforesaid, and then only by a person nominated in writing under the hand of the chairman or president of the committee, board or other management body of such association, society or corporation to exercise such vote;

(iii) where upon a poll taken under this section the voting is equal the Chief Inspector shall exercise a casting vote, which shall determine the result of the poll;

(b) by inserting after subsection (4) a new subsection as follows:—

(4a) Where, pursuant to subsection (4) of this section, any variation is made in the hours hereinbefore prescribed or fixed for the making or baking of bread in any municipal or road district, notification thereof in writing shall be sent forthwith to the municipal council or road board of such municipal or road district and also to the Chief Inspector.

New section. 12. A section is inserted in the principal Act after section seventeen as follows:—

Vehicle used to convey bread or Vienna bread to bear name and address of baker.

17A. Every vehicle used for the conveyance of bread or Vienna bread from the bakehouse where such bread or Vienna bread was baked either to another place for sale or to the premises of a purchaser, shall have plainly, conspicuously and permanently marked thereon the name and address of the proprietor of such bakehouse, and also the word "baker" or "bakery."

Provided that this section shall not apply where the vehicle belongs to a purchaser who takes delivery at the bakehouse of bread or Vienna bread purchased by him.

Amendment of s 18. Repeal and new section.

13. Section eighteen of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Offences and general penalty. Formerly s. 18 in No. 5 of 1903.

18. (1) Every person failing to do any act directed to be done, or doing any act forbidden to be done by this Act or by any regulation under this Act shall be guilty of an offence against this Act, and shall be liable, if no other penalty is imposed, to a penalty not exceeding twenty pounds.

(2) Subject to section twenty-three of this Act, prosecutions for offences against this Act may be instituted upon a complaint by any inspector or any other person and shall be heard and determined summarily by Justices under the Justices Act, 1902-1936.

Amendment of s. 23.

14. Section twenty-three of the principal Act is amended by deleting therefrom the words "one month" in line two of the section and inserting in lieu thereof the words "three months."

Citation of principal Act as amended.

15. The principal Act as amended by this Act may be cited as the Bread Act, 1903-1938.