

BREAD ACT, 1903-1937.

No. 5 of 1903

(as amended by No. 16 of 1906, No. 13 of 1911, No. 39 of 1915,
and No. 49 of 1937).

**AN ACT to amend the Law relating to the Making
and Sale of Bread.**

[Assented to 13th October, 1903.]

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 author-
ity of the same, as follows:—

1. This Act may be cited as the *Bread Act, 1903-1937.*
2. This Act shall come into operation on the first
January, one thousand nine hundred and four.

Short title.
Amended by
No. 49 of
1937, s. 16.

Commence-
ment.

3. In this Act, the following terms have the meanings
set opposite:—

Interpreta-
tion.

Amended by
No. 39 of
1915, s. 2,
ss. 1 and 2,
and amended
by No. 49 of
1937, s. 2.

“Baker's holiday” means any of the following
days:—New Year's day, Christmas day, Labour
day, Good Friday, and the day observed as the
Operative Bakers' picnic day, and any other day
which is by the terms of any relevant industrial
award made under the provisions of the Indus-
trial Arbitration Act, 1912, and amendments
specified as a bakers' holiday;

Inserted by
No. 49 of
1937, s. 2.

“Bread” means all classes of bread whether plain
or fancy but does not include Vienna bread;

Inserted by
No. 49 of
1937, s. 2.

“Inspector” means an inspector—

Amended by
No. 49 of
1937, s. 2.

(a) appointed by a municipal council or a
road board under this Act; or

(b) appointed under the Health Act, 1911-
1935; or

(c) appointed under the Factories and Shops Act, 1920,

and includes any acting or assistant inspector;

Amended by
No. 49 of
1937, s. 2.

“Rolls” means any bread weighing less than four ounces.

“Standard wheaten bread” means bread made of pure and sound flour of wheat, and which flour, without any mixture or division, is the whole produce of the grain, the bran or husk thereof only excepted, and which weighs not more than two-thirds part of the weight of the wheat whereof it is made.

Inserted by
No. 49 of
1937, s. 2.

“Vienna bread” means standard wheaten bread in the making whereof butter or lard or margarine and sugar are added and which also contains milk of a liquid quantity not less than thirty per centum of the liquid contents.

Doughs to be
weighed out
before baking.
Amended by
No. 49 of
1937, s. 4.

4. (1.) All dough intended to be made into bread shall be weighed out in the bakehouse in the following quantities:—

- (a) not less than eighteen ounces or more than twenty ounces for a loaf to be known as a No. 1 loaf;
- (b) not less than two lbs. four ounces for a loaf to be known as a No. 2 loaf;
- (c) not less than four lbs. eight ounces for a loaf to be known as a No. 3 loaf.

(2.) After the dough for the loaves has been weighed out it shall be an offence for any person to reduce the amount of the dough in any dough so weighed out.

(3.) In ascertaining the weight of a dough for a No. 1 loaf for the purpose of this section, one dozen doughs of or intended for a No. 1 loaf shall be selected at random in the bakehouse and the average weight of the doughs so selected shall be taken to be the weight of each of the doughs so selected.

(4.) Any person who weighs or causes dough to be weighed out in quantities less than the quantities stipulated in subsection (1) of this section shall be liable to a fine of two shillings and sixpence for every ounce or part of an ounce in respect of which the dough weight so

weighed out is less than that specified in that subsection. Notwithstanding the provisions of any other Act to the contrary, such fine shall be fixed and irreducible.

5. (1.) No person shall make Vienna bread for sale or sell any bread as Vienna bread unless the following provisions have been complied with in the manufacture of the Vienna bread:—

Method of
making
Vienna bread.
Inserted by
No. 49 of
1937, s. 5.

(a) The bread shall be baked only in an oven into which superheated steam shall be injected during the process of the baking or in an oven specially constructed for the baking of Vienna bread and the loaves shall be baked only in an oval shape, and each loaf before it is baked shall be marked with not less than three or with not more than four incisions which are plainly visible on each loaf when baked.

(b) All dough intended to be made into Vienna bread shall be weighed out in the bakehouse in the following quantities:—

a nine ounce dough for a loaf to be known as a 'No. 1 Vienna loaf;

an eighteen ounce dough for a loaf to be known as a No. 2 Vienna loaf.

(2.) After the dough for the loaves has been weighed out, any person who reduces the amount of the dough in any dough so weighed out commits an offence against this Act.

(3.) It shall be an offence against this Act to sell or expose for sale any bread or pastry under the name of Vienna bread or under any name or description calculated to deceive the purchaser into the belief that the same is Vienna bread or to make any mark or incision on the bread or pastry commonly used or resembling any mark or incision to denote Vienna bread, if the product so sold is not Vienna bread which has been made in accordance with the provisions of this Act.

(4.) Any person who weighs or causes dough to be weighed out in quantities less than the quantities stipulated in subsection (1) of this section shall be liable to a fine of two shillings and sixpence for every ounce or part of an ounce in respect of which the dough weight

so weighed out is less than that specified in that subsection. Notwithstanding the provisions of any other Act to the contrary, such fine shall be fixed and irreducible.

No bread to be sold if made of impure flour.
Amended by No. 49 of 1937, s. 6.

6. (1.) No bread shall be sold or offered or exposed for sale which is not made of pure and sound flour, or meal of wheat, barley, rye, oats, buckwheat, Indian corn, peas, beans, rice, or potatoes, or any of them, with common salt, pure water, eggs, milk, barm, leaven, potato or other yeast, or sugar and malt extract, and with no other ingredient whatever.

(2.) No bread shall be sold or offered or exposed for sale unless made of the respective ingredients hereinbefore defined, and with no other ingredient whatever.

Avoirdupois weight to be used.

7. No person who bakes, or sells or offers or exposes for sale, bread shall use any weight or standard of weights other than the avoirdupois weight of sixteen ounces to the pound, and the several gradations thereof for any less quantity than a pound.

No unsound flour to be sold.

Formerly s. 10 in No. 5 of 1903.

8. (1.) No person shall, for the purpose of human consumption, sell or purchase, or have on his premises, any impure, unsound, or unwholesome flour.

(2.) No person shall put into any corn-meal or flour any ingredient or mixture not being the real and genuine produce of the corn or grain.

No impure bread, etc., to be sold.

Formerly s. 11. in No. 5 of 1903.

9. No person shall sell, or offer or expose for sale—

(a) Any bread, or dough for bread or biscuits, or confectionery containing impure, unsound, or unwholesome flour;

(b) Any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain;

(c) Any corn-meal or flour containing any mixture or ingredient not being the real and genuine produce of the corn or grain.

Justice or inspector may enter premises, etc.

10. (1.) Any Justice of the Peace, or police constable authorised by him and any inspector may, at any time, enter the premises of any person who sells, or offers or exposes for sale, or bakes bread, or grinds, dresses, bolts,

or otherwise treats for sale any grain, meal, or flour, and—

Amended by
No. 49 of
1937, s. 9.

Formerly s.
12 in No. 5
of 1903.

- (a) See that the provisions of this Act are observed;
- (b) Test all weights and scales, and seize such as are not true and accurate;
- (c) Weigh any bread or dough;
- (d) Test and examine all meal, or flour, or dough, or bread;
- (e) Seize and take any sample or samples of any dough, bread, meal, or flour;
- (f) Seize and take any adulterated, impure, or unwholesome dough, meal, or flour, or any mixture or ingredient which appears to be intended to be used for the purpose of adulteration.

(2.) Any Justice of the Peace, or police constable authorised by him, and any inspector may stop any person carrying bread for delivery, and search any basket, cart, or other means used by such person for the transit or delivery of bread, and, in connection therewith, do all or any of the matters aforesaid.

11. No person shall wilfully obstruct or hinder any search authorised by this Act, or the seizure on any search of anything authorised to be seized.

No person to
hinder search.

Formerly s.
14 in No. 5
of 1903.

12. (1.) This section shall apply only to that portion of the State within a radius of twenty-five miles from the General Post Office, Perth, and that portion of the State within a radius of eight miles from the principal post office, at Kalgoorlie.

Hours for
baking.

Amended by
No. 49 of
1937, s. 12.

(2.) It shall be unlawful for any person exercising or employed in the trade or calling of a baker to make or bake bread or Vienna bread for sale, except on such days and during such hours as are respectively described by this section or authorised by the Minister under this section.

Penalty: Not less than ten pounds or more than fifty pounds.

(3.) Subject as hereinafter provided, bread or Vienna bread may be made or baked for sale on any day except a Sunday.

(4.) Bread shall be made or baked for sale only during the following hours of the days hereinafter specified, that is to say—

from 3 a.m. to 8 p.m. on Mondays, Tuesdays, Wednesdays, and Thursdays, except where any Tuesday,

Bread.

Wednesday or Thursday is what is known in the bread industry as a double or treble delivery day, when the hours shall be from 8 p.m. of the day preceding such double or treble day until mid-day of such double or treble day;

from 3 a.m. to 12 noon on Friday and from 8 p.m. on Friday to mid-day of Saturday next day.

(5.) Vienna bread shall be made or baked for sale only during the following hours of the days hereinafter specified, that is to say—

from 1 a.m. to 10 a.m. on Mondays, Tuesdays, Wednesdays, and Thursdays, except where any Tuesday, Wednesday or Thursday is what is known in the bread industry as a double or treble delivery day, when the hours shall be from 8 p.m. on the day preceding such double or treble delivery day until 5 a.m. of the double or treble delivery day;

from 8 p.m. on Friday until mid-day on the next following Saturday.

(6.) Notwithstanding the provisions of subsections (3), (4), or (5)—

(a) dough may be made on any day and at any time subject to the provisions of any relevant industrial award or agreement made under the provisions of the Industrial Arbitration Act, 1912-1935;

(b) no bread or Vienna bread shall be made or baked for sale—

(i) before midnight of any day which is a bakers' holiday excepting, however, Good Friday, in which latter case the hours shall be as specified in subsections (4) and (5) respectively;

(ii) on the Monday following New Year's day, if New Year's day falls on a Sunday;

(iii) on the Monday following Christmas day, if Christmas day falls on a Sunday;

(iv) from 12 p.m. on the Friday preceding the next day Saturday when that Saturday is the day of the Operative Bakers' picnic until 3 a.m. of the next following Monday.

- (c) Whenever in the opinion of the Minister any exceptional or unforeseen circumstances arise or are likely to arise at any particular time, the Minister may in his discretion 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 grant authority to any person or persons to make or bake bread for sale in that district or place on any day (except Sunday) during such hours either in addition to or in substitution for the hours hereinbefore specified and on such conditions as the Minister may determine in any particular case; and in that event the making or baking of bread for sale during such additional or substituted hours and on the conditions imposed by the Minister shall not be a breach of this section.

13. It shall be unlawful for any person to sell or deliver any bread or Vienna bread for sale—

- (a) between the hours of 7 p.m. on any Monday, Tuesday, Wednesday, or Thursday and 6 a.m. of the day next following any such day;
- (b) between the hour of 7 p.m. on Friday and the hour of 5 a.m. on the following Saturday;
- (c) between the hours of 7 p.m. on Saturday and 6 a.m. of the following Monday;
- (d) between the hours of 7 p.m. on the day next preceding a bakers' holiday and 6 a.m. of the day following such bakers' holiday: provided that if the day following the bakers' holiday is Easter Saturday such last-mentioned hour shall be 5 a.m. in lieu of 6 a.m.

Penalty: Not less than ten pounds or more than fifty pounds.

14. (1.) This section shall apply to that portion of the State outside a radius of twenty-five miles from the General Post Office, Perth, and outside a radius of eight miles from the principal post office at Kalgoorlie.

Hours for delivery of bread.

Inserted by No. 49 of 1937, s. 13.

Baking in country areas.

Inserted by No. 49 of 1937, s. 13.

(2.) No person exercising or employed in the trade or calling of a baker shall make or bake bread for sale between the hours of 8 p.m. on any one day and 5 a.m. on the next following day:

Provided that the majority of bakers in any municipal or road district may at a poll taken in the prescribed manner determine that no bread shall be made or baked for sale at all by any person exercising or employed in the trade or calling of a baker at all on any one day in the week which may be either a Saturday or a Sunday, and such determination shall have effect until another poll is taken in the prescribed manner, and the result of every such poll shall be notified by the Minister in the *Gazette*.

Prohibiting
delivery be-
fore 5 a.m.

(3.) No person shall sell or deliver bread for sale before the hour of five in the morning on any day or deliver bread on Sundays or on any bakers' holiday.

(4.) Provided that all or any hours hereinbefore prescribed or fixed for the making or baking of bread or sale or delivery of bread may be varied within any district to which this section applies, provided any variation in such hours are mutually agreed upon between the employers engaged in the baking industry in such district and the industrial union of workers operating in the baking industry therein. Failing an agreement being arrived at by such parties then such employers or union of workers may apply to a board of reference under the provisions of the Industrial Arbitration Act for the time being in force, whose decision shall be final.

(5.) This section shall not apply to the making of dough which may be made on any day and at any time, subject, however, to the provisions of any relevant industrial award or agreement made under the Industrial Arbitration Act, 1912-1935.

Bread carters'
holidays.

Inserted by
No. 49 of
1937, s. 14.

15. (1.) Subject to this section every person employed as a bread carter by any person carrying on business as a baker of bread for sale in that portion of the State within a radius of twenty-five miles from the General Post Office at Perth or within a radius of eight miles of the principal post office at Kalgoorlie shall receive and be granted by his employer—

(a) a holiday on full pay on each of the following days:—New Year's day, Anniversary day of

Australia, Good Friday, Easter Monday, Anzac day, Labour day, Christmas day, and Boxing day; and

- (b) on completion of each twelve months' service with his employer six consecutive working days' holiday on full pay within three months of the completion of each such period of twelve months' service: provided that, if the employee does not complete twelve months' service with his employer, he shall on leaving the service of such employer be entitled to receive and his employer shall pay him in lieu of holidays under this paragraph a sum equivalent to one half-day's pay for each month served and a proportionate part of one half day's pay for any part of a month served.

(2.) If any employer to whom this section applies, fails, or refuses to observe and comply with any provisions of this section, he shall without prejudice to any civil remedy his employee may have against him be guilty of an offence.

Penalty: Not less than ten pounds or more than fifty pounds.

16. (1.) Whenever Christmas day falls on a Sunday, any person employed as a baker by any other person carrying on business as a baker of bread for sale shall be entitled to an extra day's holiday on full pay, to be added to any annual leave to which he may be entitled under the provisions of any relevant industrial award or agreement made under the Industrial Arbitration Act, 1912, and its amendments.

Extra day's holiday when certain holidays fall on Sunday.

Inserted by No. 49 of 1937, s. 14.

(2.) Whenever Christmas day, Boxing day, or New Year's day falls on a Sunday any bread carter employed by any other person carrying on business as a baker of bread for sale shall be entitled to an extra day's holiday on full pay in respect of any of such days which falls on a Sunday, and such extra day's holiday shall be added to any annual leave to which he may be entitled under the provisions of any relevant industrial award or agreement made under the Industrial Arbitration Act, 1912, and its amendments.

(3.) If any employer to whom this section applies fails or refuses to observe and comply with any provisions of this section he shall, without prejudice to any civil remedy his employee may have against him, be guilty of an offence.

Penalty: Not less than ten pounds or more than fifty pounds.

Council of a municipality or road board may appoint inspectors. Amended by No. 29 of 1915, s. 4.

17. The council of any municipality or any road board may appoint persons to be inspectors under this Act, and such inspectors shall have jurisdiction within such municipality or the district of such board.

Offences.

18. Any person who—

- (1) Sells, exposes, or offers for sale any bread not stamped in accordance with section four;*
- (2) Sells, exposes, or offers for sale any bread not of the description or weight demanded, or which it purports or is deemed to be;
- (3) Does, suffers, or permits any act, matter, or thing contrary to any provision herein contained,

shall be guilty of an offence against this Act, and be liable on summary conviction, on the information of an inspector or any other person, to a fine not exceeding twenty pounds.

Servant doing prohibited act is liable.

19. (1.) Any person who, being the servant or agent of another person, does or omits to do any act the doing or omission of which would be an offence against this Act if done or omitted by such other person shall be guilty of an offence against this Act, and liable on conviction as aforesaid.

(2.) The master or employer shall also be liable for any act or omission of his servant or agent.

Judicial notice of appointment of inspectors.

20. Judicial notice shall be taken of the appointment of every inspector.

Bread, etc., on premises of baker to be deemed intended for human consumption.

21. Bread, dough, or flour found on the premises of any person apparently carrying on the business of a baker, confectioner, vendor of bread, or pastrycook, or

*This is a reference to section four of Act No. 5 of 1903. The provisions of this paragraph are now obsolete, as section four referred to was repealed by Act No. 49 of 1937.

being conveyed by any person in any vehicle, basket, or other receptacle, shall be deemed to be intended for human consumption and exposed for sale.

22. (1.) On the hearing of any complaint, the Court may, if satisfied that any person has in his possession any adulterated, impure, unsound, or unwholesome flour intended for human consumption, direct the seizure and destruction of such flour.

Bad flour or defective scales may be seized and destroyed.

(2.) On the hearing of any complaint, the Court may direct the seizure and destruction or repair and correction of any scales or weights which are not true and accurate.

23. All informations and proceedings for offences against this Act shall be commenced within one month after the offence charged shall have been committed.

Offences to be prosecuted within one month.

24. (1.) After bread has been delivered to any person for sale or after bread has been sold and delivered to any person, no person shall accept redelivery of or exchange or take back into stock the bread so delivered.

Bread not to be taken back after delivery.

New section inserted by No. 49 of 1937, s. 15.

Penalty: Not less than five pounds or more than fifty pounds.

(2.) If any person to whom bread has been delivered redelivers the same to the person from whom he took delivery in contravention of the provisions of the preceding subsection, he shall be liable to a penalty of not less than five pounds or more than fifty pounds.

(3.) Nothing in this section shall apply to any bread taken out by a bread carter on his round and which remains unsold at the end of the round and is then redelivered by the bread carter to the bake house.

25. The Governor may make regulations for the purpose of this Act for carrying into effect the provisions thereof and for prescribing such matters as in the opinion of the Governor may be necessary or convenient to be prescribed thereunder and in particular without limiting the generality of the foregoing the Governor may make regulations prescribing the method of taking a poll for the purpose of section fourteen of this Act.

Regulations.
New section inserted by No. 49 of 1937, s. 15.

26. Section eleven of the Act 3 William IV., No. 2, is hereby repealed.

Repeal.
Formerly s. 24 in No. 5 of 1903.