

WESTERN AUSTRALIA.

BREAD.

No. 5 of 1903.

As amended by Acts—

- No. 16 of 1906, assented to 14th December, 1906¹;
- No. 13 of 1911, assented to 16th February, 1911¹;
- No. 39 of 1915, assented to 27th September, 1915;
- No. 49 of 1937, assented to 18th January, 1938;
- No. 44 of 1938, assented to 31st January, 1939²;
- No. 76 of 1947, assented to 13th January, 1948;
- No. 54 of 1948, assented to 21st January, 1949³;
- No. 37 of 1949, assented to 26th October, 1949 ;
- No. 71 of 1962, assented to 30th November, 1962⁴;
- No. 41 of 1963, assented to 25th November, 1963⁵;
- No. 29 of 1965, assented to 21st October, 1965⁶;
- No. 34 of 1966, assented to 31st October, 1966;

and reprinted pursuant to the Amendments Incorporation Act, 1938.*]

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 authority of the same, as follows:—

1. This Act may be cited as the *Bread Act, 1903-1966*.

Short title.
Amended by
No. 34 of 1966,
s. 1.

2. This Act shall come into operation on the first January, one thousand nine hundred and four.

Commence-
ment.

¹ Repealed by No. 49 of 1937, s. 14.

² Came into operation 7th April, 1939. See Proclamation G.G. 6/4/39, p. 605.

³ Came into operation 1st January, 1949. See No. 54 of 1948, s. 3 (1).

⁴ Came into operation 25th January, 1963. See G.G. 25/1/63, p. 423.

⁵ Came into operation 16th March, 1964. See G.G. 18/3/64, p. 1577.

⁶ Came into operation 24th January, 1966. See G.G. 31/12/65, p. 4359.

* This reprint is based on the reprint of the Bread Act, 1903-1937, contained in the Appendix to the Sessional Volume of the Statutes for the year 1937-1938, the section numbering of which has been retained.

Interpreta-
tion.
Amended by
No. 39 of
1915, s. 2;
No. 49 of
1937, s. 2;
No. 44 of
1938, s. 3;
No. 76 of
1947, s. 2;
No. 71 of
1962, s. 3;
No. 41 of
1963, s. 3;
No. 29 of
1965, s. 3.

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

“Baker’s holiday” means any day which is, by the terms of any relevant industrial award or agreement which has been made a common rule relating to the bread industry for the time being in force under the provisions of the Industrial Arbitration Act, 1912–1941,¹ to be regarded as a baker’s holiday.

“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.

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

“Chief Inspector” means the Chief Inspector of Factories appointed under the Factories and Shops Act, 1920.²

The term also includes the Assistant Chief Inspector of Factories appointed under the said Factories and Shops Act, 1920,² 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 tem-

¹ Now Industrial Arbitration Act, 1912-1966.

² Now Factories and Shops Act, 1963.

porary incapacity or temporary absence from office of the Chief Inspector.

“Dietetic bread” means bread made in accordance with a formula prescribed for the purpose by the regulations.

“Inspector” means an inspector—

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

(b) appointed under the Health Act, 1911–1935;¹ or

(c) appointed under the Factories and Shops Act, 1920,²

and includes any acting or assistant inspector.

“Milk bread” means bread made in conformity in all respects with the standard prescribed for milk bread by the regulations.

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

“Rolls” mean bread made from a quantity of dough that weighs not more 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.

“Total dry matter” means in relation to any bread, including Vienna bread, the content of water-free substance of that bread.

“Vienna bread” means bread made in conformity in all respects with the specifications prescribed for Vienna bread by the regulations.

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

Administra-
tion.
Added by
No. 44 of
1933, s. 4.

¹ Now Health Act, 1911–1966.

² Now Factories and Shops Act, 1963.

(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.
Added by
No. 44 of
1938, s. 4.
Amended by
No. 54 of
1948, s. 3;
No. 34 of
1966, s. 2.

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 this Act.

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: Forty dollars, and in addition a daily penalty of two dollars 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, 1920-1937,¹ 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 one dollar twenty cents or such other sum as may be prescribed by regulation under this Act; and the applicant shall also furnish such particulars as are prescribed or as the Chief Inspector may require.

¹ Now Factories and Shops Act, 1963.

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.

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.

License for
bakehouse
may be
transferred.
Added by
No. 44 of
1938, s. 4.
Amended by
No. 54 of
1948, s. 3 ;
No. 34 of
1966, s. 3.

(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 fifty cents, or such other fee as may be prescribed by regulation under this Act.

(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.

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 lb. four ounces or more than two lb. six ounces for a loaf to be known as a No. 2 loaf;
- (c) not less than four lb. eight ounces or more than four lb. ten ounces for a loaf to be known as a No. 3 loaf;
- (d) not more than four ounces for rolls.

(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 twenty-five cents for every ounce or part of an ounce in respect of which the dough

Doughs to be weighed out before baking.

Added as s. 4 by No. 49 of 1937, s. 4. Amended by No. 44 of 1938, s. 6; No. 41 of 1963, s. 4; No. 34 of 1966, s. 4.

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) Any person who weighs out or causes to be weighed out dough in a quantity exceeding the greater quantity mentioned in paragraphs (a), (b) or (c) of subsection (1) of this section, or the quantity mentioned in paragraph (d) of that subsection, or the greater quantity mentioned in paragraph (b) of section four A of this Act, shall be deemed to have weighed out or caused to be weighed out dough for the making of a loaf of the next larger size than that to which that quantity or greater quantity of dough as the case may require, applies under the provisions referred to in this paragraph.

4A. No person shall make dietetic bread for sale, or sell any bread as dietetic bread, unless the following provisions are complied with:—

Dietetic bread.
Added by
No. 41 of
1963, s. 5.

- (a) The bread is made in accordance with the formula prescribed for the purpose by the regulations; and
- (b) all dough intended to be made into dietetic bread is weighed out in the quantities referred to in any of paragraphs (a), (b) and (c) of subsection (1) of section four of this Act, or in quantities not less than nine ounces or more than ten ounces, for a dietetic loaf; and
- (c) the loaf is enclosed in a wrapper marked with such particulars and information as to the ingredients thereof and its dietetic value as prescribed by the regulations.

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.
Added as S. 5A by No. 49 of 1937, s. 5.
Amended by No. 44 of 1938, s. 6 ; No. 41 of 1963, s. 6 ; No. 29 of 1965, s. 4 ; No. 54 of 1966, s. 4.

- (a) Vienna bread shall be baked only in an oven into which superheated steam is injected during the process of baking or in an oven specially constructed for baking Vienna bread.

Bread.

- (b) The loaves of Vienna bread shall be baked in an oval shape and each loaf of Vienna bread shall be marked with three or four incisions which are plainly visible on each loaf when baked.
- (c) Vienna bread may be baked on the sole of the oven or on trays or slipper trays, but shall not be baked in a tin.
- (d) All dough intended to be made into Vienna bread shall be weighed out in the bakehouse in quantities of not less than fourteen or more than fifteen ounces of dough.

(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 twenty-five cents 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) [*Repealed by No. 29 of 1965, s. 4.*]

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

- (a) The bread shall be baked in a tin so embossed that when baked there is clearly and durably

Method of
making milk
bread.

Added by
No. 41 of
1963, s. 7.
Amended by
No. 34 of
1966, s. 4.

Bread.

marked on a side of the loaf, "Milk—24 oz", in characters not less than one inch high; and

- (b) all dough intended to be made into milk bread shall be weighed out in the bakehouse in quantities not less than one lb. eleven ounces or more than one lb. thirteen ounces for a loaf.

(2) After the dough for the loaves has been weighed out, a 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 milk bread, or under any name or description calculated to deceive the purchaser into believing that the same is milk bread, or to make any mark or lettering on the bread or pastry that resembles any mark or lettering used to denote milk bread, if the product so sold or exposed for sale is not milk bread as defined in section three of this Act and baked in accordance with the provisions of this section.

(4) Any person who weighs out or causes to be weighed out dough in quantities less than the quantities stipulated in subsection (1) of this section shall be liable to a fine of twenty-five cents 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; and notwithstanding the provisions of any other Act to the contrary, such fine shall be fixed and irreducible.

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 or other substances as prescribed by regulations, and with no other ingredient whatever.

No bread to be sold if made of impure flour.

Amended by No. 49 of 1937, s. 6; No. 44 of 1938, s. 7.

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

No bread to be sold if total dry matter less than prescribed. Added by No. 41 of 1903, s. 8. Amended by No. 34 of 1906, s. 6.

6A. No person shall bake for sale, or sell or offer or expose for sale, any loaf of bread (including Vienna bread) of any class or denomination or description, the weight of which is less than the weight of the total dry matter prescribed for a loaf of that class, denomination or description.

Penalty: Not less than twenty dollars or more than fifty dollars for a first offence, and not less than fifty dollars or more than two hundred dollars for each subsequent offence.

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.

[*Original sections 8 and 9 repealed by No. 49 of 1937, ss. 7 and 8.*]

No unsound flour to be sold. Formerly s. 10 in No. 6 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.

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—

Justice or inspector may enter premises, etc.
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 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 inspectors and others in the performance of their duty.
Repealed and substituted by No. 44 of 1938, s. 8.
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-eight 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; No. 44 of 1938, s. 9; No. 76 of 1947, s. 3; No. 71 of 1962, s. 4; No. 34 of 1966, s. 6.
Formerly s. 16 as enacted 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 twenty dollars or more than one hundred dollars.

(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 hours and on the days specified in any industrial award or agreement for the time being in force under the provisions of the Industrial Arbitration Act, 1912-1941,¹ and applying to the baking of bread in the relevant area.

(5) Vienna bread shall be made or baked for sale only during the hours and on the days specified in any industrial award or agreement for the time being in force under the provisions of the Industrial Arbitration Act, 1912-1941,¹ and applying to the baking of Vienna bread in the relevant area, but whilst not so specified in relation to the relevant area 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, Thursdays and Fridays, except where any Tuesday, Wednesday, Thursday or Friday 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;¹

¹ Now Industrial Arbitration Act, 1912-1966.

- (b) [*Deleted by No. 76 of 1947, s. 3 (c).*]
- (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 grant authority to any person or persons to make or bake bread for sale 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 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.

12A. Within that portion of the State referred to in subsection (1) of section twelve of this Act no bread or Vienna bread shall be sold or delivered or offered or exposed for sale within the three hours next following the time specified for the commencement of baking operations in the industrial award or agreement for the time being in force under the provisions of the Industrial Arbitration Act, 1912-1941,¹ and applying to the baking of bread or Vienna bread, as the case may be, in the relevant area.

Penalty: Not less than twenty dollars or more than one hundred dollars.

[*Original s. 13 repealed by No. 49 of 1937, s. 10*]

13. (1) Subject to the provisions of section twelve A of this Act, it shall be unlawful for any person to sell or deliver any bread or Vienna bread for sale—

- (a) between the hour of 7 p.m. on any Monday, Tuesday or Wednesday and the hour of 7 a.m. on the day next following any such day;
- (b) between the hour of 7 p.m. on any Thursday and the hour of 6 a.m. on the following Friday;
- (c) between the hour of 7 p.m. on any Friday and the hour of 5 a.m. on the following Saturday;
- (d) between the hour of 7 p.m. on any Saturday and the hour of 6 a.m. on the following Monday;

Hours for Sale of Bread.

Added by No. 76 of 1947, s. 4.

Amended by No. 41 of 1963, s. 9; No. 34 of 1966, s. 6.

Hours for delivery of bread.

Added ass. 16A by No. 49 of 1937, s. 13.

Amended by No. 44 of 1938, s. 10; No. 37 of 1949, s. 3; No. 29 of 1965 s. 5; No. 34 of 1966, s. 7.

- (e) between the hour of 7 p.m. on the day next preceding a baker's holiday and the hour of 6 a.m. on the day following that holiday, unless that following day is Easter Saturday when the lastmentioned hour shall be 5 a.m. in lieu of 6 a.m.;

and for the purposes of this subsection delivery is deemed to commence when the delivery vehicle leaves the place where the bread or Vienna bread to be sold or delivered is loaded on that vehicle.

Penalty: Not less than twenty dollars or more than one hundred dollars.

(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 which is within the meaning of the Factories and Shops Act, 1963, an exempted shop, a privileged shop or a small shop 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.

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

(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 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*.

Provided also—

- (i) that where a poll is taken, as provided for in the next preceding proviso, in any municipal district and two or more persons are carrying on the business of bakers together in partnership in such municipal 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 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.

Prohibiting
delivery
before
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 baker's holiday.

(3a) Where pursuant to the provisions of any relevant industrial award or agreement made, and for the time being in force, under the Industrial Arbitration Act, 1912, employers engaged in the baking industry in any district to which this section applies, vary the baker's holidays in that district, notification of the variation shall be forwarded to the Chief Inspector at the same time as such notification is under the provisions of the award or agreement made to the relevant industrial union of workers.

(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.

(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 district, notification thereof in writing shall be sent forthwith by the parties to the agreement or, as the case may be, the board of reference, to the municipal council of such municipal district and also to the Chief Inspector.

(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, 1912-1935.¹

(6) Notwithstanding anything to the contrary contained in this section—

(a) bread and Vienna bread may be sold, offered or exposed for sale in a shop which is, within

¹ Now Industrial Arbitration Act, 1912-1966.

the meaning of the Factories and Shops Act, 1963, an exempted shop, a privileged shop or a small shop;

- (b) 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 grant authority to any person or persons to make or bake bread or Vienna bread for sale in any district or place on any day during such hours either in addition to or in substitution for the hours specified in this section and on such conditions as the Minister may determine in any particular case; and in that event the making or baking of bread or Vienna bread for sale during those additional or substituted hours and on the conditions imposed by the Minister shall not be a breach of this section;
- (c) 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 or Vienna bread in any district or place on any day during such hours either in addition to or in substitution for the hours specified in this section and upon such conditions as the Minister may determine in any particular case; and in that event the delivery or sale of bread or Vienna bread during those additional or substituted hours and on the conditions imposed by the Minister shall not be a breach of this section.

[Original s. 15 repealed by No. 49 of 1937, s. 11]

15. Every person employed as a bread carter by any person carrying on business as a baker of bread for sale in either of those portions of the State within a radius of—

- (a) twenty-eight miles of the General Post Office at Perth; or
- (b) eight miles of the principal Post Office at Kalgoorlie—

shall receive and be granted by his employer holidays in accordance with the provisions of the industrial

Bread
carters'
holidays.
Added as
s. 16C by
No. 49 of
1937, s. 14.
Amended by
No. 76 of
1947, s. 5.
Repealed
and
substituted
by No. 37 of
1949, s. 4.
Amended by
No. 71 of
1962, s. 6.

award or agreement for the time being in force under the provisions of the Industrial Arbitration Act, 1912-1948,¹ and applying to the delivery of bread in the respective portion of the State.

16. [*Repealed by No. 76 of 1947, s. 6.*]

Council of a municipality may appoint inspectors.
Amended by No. 39 of 1915, s. 4; No. 71 of 1962, s. 7; No. 34 of 1966, s. 8.

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

Vehicle used to convey bread or Vienna bread to bear name and address of baker.
Added by No. 44 of 1938, s. 12.

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.

Offences and general penalty.
Repealed and re-enacted by No. 44 of 1938, s. 13.
Amended by No. 34 of 1966, s. 9.

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 forty dollars.

(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, 1902-1936.²

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

¹ Now Industrial Arbitration Act, 1912-1966.

² Now Justices Act, 1902-1967.

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.

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

Judicial notice of appointment of inspectors.

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 pastry-cook, or 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.

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

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 three months after the offence charge shall have been committed.

Offences to be prosecuted within three months.
Amended by No. 44 of 1938, s. 14.

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.
Added as s. 28A by No. 49 of 1937, s. 15.
Amended by No. 34 of 1966, s. 10.

Penalty: Not less than ten dollars or more than one hundred dollars.

(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 ten dollars or more than one hundred dollars.

(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.

Regulations.
Added as
s. 23B by
No. 49 of
1927, s. 15.
Amended by
No. 41 of
1963, s. 10;
No. 29 of
1965, s. 7.

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—

- (a) prescribing the method of taking a poll for the purpose of section fourteen of this Act;
- (b) prescribing the formula to be used to make bread that is dietetic bread;
- (c) prescribing the standard in conformity with which bread must be made in order to be milk bread under this Act;
- (d) prescribing the total dry matter content of a loaf of bread of any of the classes, denominations and descriptions referred to in this Act; and the methods of sampling, testing, ascertaining and assessing the total dry matter content of any bread;
- (e) prescribing the nature of the wrapper to be used for enclosing dietetic bread, and the particulars and information as to the ingredients and dietetic value of such bread to be marked on such wrapper and the manner of marking; and
- (f) prescribing the specification in conformity with which bread must be made in order to be Vienna bread under this Act.

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

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