

Appointment
of Com-
missioner.

2 Section six of the Principal Act is amended by omitting subsection (7) thereof and substituting therefor the following subsections:—

“(7) During the period commencing on the first day of July 1963 and ending on the thirtieth day of June 1964, the Commissioner shall be paid a salary at the rate of four thousand seven hundred and seventy-five pounds a year.

“(7A) On and after the first day of July 1964 the Commissioner shall be paid a salary—

- (a) at the rate of four thousand eight hundred and twenty-seven pounds a year; or
- (b) such other rate, if any, as may be specified in any order made pursuant to subsection (7B) of this section.

“(7B) If at any time after the first day of July 1964 the basic salary payable to permanent heads of departments of the Public Service pursuant to any award under the *Public Service Tribunal Act 1958* that is applicable to them is altered (whether by way of increase or decrease) pursuant to that Act, the Governor may, by order, alter the rate of the salary to be paid to the Commissioner to such extent as appears to him to be necessary to conform to the alteration so made to the basic salary payable to those permanent heads and, in any such order, the Governor may specify—

- (a) the altered rate of the salary to be paid to the Commissioner; and
- (b) the date on and after which it is to be paid (which may be a date either before or after the date of the making of the order).”.

WEIGHTS AND MEASURES.

No. 21 of 1964.

AN ACT to repeal the *Sale of Bread Act 1896* and the *Sale of Bread Act 1962* and to amend the *Weights and Measures Act 1934* in relation to the manufacture of bread for sale.

[23 October 1964.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Weights and Measures Act 1964*.

(2) The *Weights and Measures Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

2 The *Sale of Bread Act 1896* and the *Sale of Bread Act 1962* are repealed. Repeal.

3 Section five of the Principal Act is amended by omitting subsection (4). Administration.

4 Section twenty-three of the Principal Act is amended by inserting in subsection (5), after the word "Bread", the words "within the meaning of Part VA". Sales by retail to be by net weight or measure.

5 After section twenty-five of the Principal Act the following Part is inserted:—

"PART VA.

"SALE OF BREAD.

"25A—(1) In this Part, unless the contrary intention appears— Interpretation.

'analyst' means the Government Analyst or an analyst appointed under Part VIII of the *Public Health Act 1962*;

'bakery' means any premises at which a bakery business is, or is held out to be, carried on, but does not include any part of those premises that is used as a dwelling unless loaves are made or kept for sale in that part of the premises;

'bakery business' means the trade or business of the making and selling of loaves or the making of loaves for the purposes of sale, or any trade or business that includes the making and selling of loaves or the making of loaves for the purposes of sale;

'bread' means the product obtained by baking a yeast leavened dough prepared from flour or meal, or a mixture thereof, and water, with or without the addition of any other substance or thing;

'flour or meal' includes any flour or meal to which any substance or thing has been added and any flour or meal any component substance of which has been removed, reduced, or added to;

'loaf' means a loaf of bread and any other article that is made wholly or mainly of bread;

'loaf of a special kind' means a loaf of a kind prescribed by regulations made for the purposes of section twenty-five c.

"(2) A loaf that has been sliced or otherwise divided and is wrapped for sale in a separate package shall be deemed for the purposes of this Part to be a single loaf.

“(3) A reference in this Part to the weight of the dry solids in a loaf shall be construed as a reference to the weight of the water-free substance of the bread of that loaf.

Denomina-
tions, &c., of
loaves
generally.

“25B—(1) Where a loaf has a weight specified in the second column of the sixth schedule it shall, for the purposes of this Part be deemed to be a loaf of the denomination corresponding thereto specified in the first column of that schedule.

“(2) For a loaf of a denomination specified in the first column of the sixth schedule—

- (a) the standard weight is the weight corresponding to that denomination specified in the third column of that schedule; and
- (b) the required weight of dry solids is the weight corresponding to that denomination specified in the fourth column of that schedule.

“(3) This section does not apply to loaves of a special kind.

Denomina-
tions, &c., of
loaves of
special kinds.

“25C—(1) Regulations under this Act may, in respect of loaves of a kind prescribed by the regulations, prescribe—

- (a) the denominations of those loaves and the weights of the loaves that are to be deemed for the purposes of this Part to be loaves of each of those denominations;
- (b) the standard weights for loaves of each of those denominations; and
- (c) the required weights of dry solids for loaves of each of those denominations.

“(2) Regulations made for the purposes of this section may prescribe only one denomination for loaves of any particular kind.

“(3) Regulations made for the purposes of this section may describe the loaves to which they relate by reference to all or any of the following matters:—

- (a) The process by which the bread of the loaves is made;
- (b) The flour or meal from which that bread is made, or any substances used in the making of the bread or the loaf; and
- (c) The composition of, or any constituent of, or the amount of any constituent of, the loaf, or the bread of the loaf.

“(4) Regulations under this Act may prescribe the conditions under which a loaf of any special kind, or a loaf of any special kind of a prescribed denomination, may be sold; and those conditions may relate to any of the following matters, namely:—

- (a) The shape, or any of the dimensions of the shape, of the loaf;
- (b) The words or other markings to be embossed, inscribed, or otherwise to be made visible on or in the crust of the loaf; and
- (c) The wrapping of the loaf, and the inscriptions or other markings to be put or made on the material in which the loaf is wrapped.

“(5) Where regulations made for the purposes of this section prescribe the conditions under which a loaf may be sold no person shall sell that loaf otherwise than in compliance with those conditions.

Penalty: Fifty pounds.

“25D—(1) Where an inspector ascertains that the average weight of at least twenty loaves of the same denomination found by him in a bakery, or on a vehicle used for the delivery of bread, or, if less than that number of loaves of that denomination is so found, of all of the loaves of that denomination so found, is less than the standard weight for that denomination, he may select such two of the loaves weighed by him for the purpose of determining that average weight as appear to him to have weights equal to or most closely approaching that average weight.

Selection of loaves for weighing and analysis.

“(2) In determining the average weight of any loaves for the purpose of subsection (1) of this section an inspector shall disregard, and shall not be required to weigh, any loaf withdrawn from an oven while he is on the premises in which the loaves are found.

“(3) Where an inspector selects two loaves under subsection (1) of this section he shall cause each of them to be wrapped and sealed in a separate package and each of those packages to be clearly and legibly marked with some distinctive mark of identification.

“(4) The inspector shall deliver, or, if delivery is not taken, tender, one of the loaves wrapped and sealed in accordance with subsection (3) of this section to a person who is, or is apparently, in charge of, or employed at, the premises in which the loaf was found, or who is, or is apparently, in charge of the vehicle on which it was found, or who is, or is apparently, employed in connection with any business that is carried on on those premises or for the purpose of which the vehicle is, or is apparently, being used.

“(5) The inspector shall take the other of the loaves wrapped and sealed in accordance with subsection (3) of this section and as soon as is reasonably practicable deliver or transmit it to an analyst by such means as he considers most expeditious and convenient in the circumstances.

“25E—(1) Where a loaf of any denomination selected by an inspector under subsection (1) of section twenty-five D has a weight less than the standard weight for that denomination and contains less than the required weight of dry solids that loaf shall for the purposes of this Act be deemed to be a loaf that is found not to conform to the required standards.

Offences in relation to manufacture of loaves.

“(2) No person shall make, or cause to be made, a loaf that is found not to conform to the required standards.

“(3) It is a defence in any proceedings for an offence alleged to have been committed against subsection (2) of this section in respect of one of the two loaves selected under subsection (1) of section twenty-five D by an inspector to show that the other of those loaves has a weight not less than the standard weight for loaves of the denomination of that loaf and contains not less than the required weight of dry solids.

“(4) A person who is guilty of an offence against this section is liable to a penalty of not more than fifty pounds, or, if he has previously been convicted of such an offence, a penalty of not more than one hundred pounds.

Certificate of analysis.

“25F—(1) Any person is entitled, on the delivery of a loaf to an analyst and on payment of the prescribed fee, to have that loaf analysed, and to receive from the analyst a certificate as to the result of his analysis.

“(2) The certificate of an analyst of the result of an analysis made by him of a loaf submitted to him under this Part shall be in the prescribed form.

“(3) Regulations made under this Act may prescribe the method by which a loaf is to be analysed, and where an analyst gives a certificate of the result of his analysis of such a loaf he shall declare that, in performing his analysis, he has followed that method.

“(4) No proceedings shall be taken against a person for an offence under this Part in respect of a loaf unless a copy of the certificate of the analyst of his analysis of that loaf has been transmitted to that person within twenty-eight days after the loaf was so found.

“(5) Subsection (4) of this section does not apply in respect of proceedings for an offence under subsection (5) of section twenty-five C unless the loaf in relation to which the proceedings are taken has been submitted to an analyst for analysis.

“(6) In proceedings in respect of an offence against this Part the production of an analyst's certificate is sufficient evidence of the facts stated therein unless the party against whom the certificate is tendered has given notice in writing to the other party, at least four days before the hearing, that he requires the analyst to be called as a witness.

“(7) Subsection (6) of this section does not apply in relation to a certificate tendered by the defendant unless a copy thereof has been delivered to the prosecutor at least seven days before the hearing.

“(8) In performing an analysis of a loaf for the purposes of this Act an analyst is only required to carry out such an analysis as is necessary to determine the weight of dry solids contained in the loaf and also, if the loaf is a loaf of a special

kind, such other facts as it is necessary to determine for the purpose of determining whether or not the loaf is a loaf of that special kind, being facts that may be determined by an analysis of the bread of the loaf.

“(8) No person shall, for trading purposes or advertisement, use any analysis of a loaf made by an analyst for the purposes of this Part.

Penalty: Fifty pounds.”.

6 Section thirty-six A of the Principal Act is amended by adding at the end thereof the following subsection:— Costs in proceedings.

“(3) In relation to proceedings for an offence under Part VA, a reference to costs in subsection (1) or subsection (2) of this section shall be deemed to include a reference to the expenses incurred in sending the loaf in respect of which the proceedings are taken to an analyst and the expense incurred in obtaining the certificate of the analysis made by him of that loaf for the purposes of this Part.”.

7 Section thirty-nine of the Principal Act is amended by adding at the end thereof the following subsection:— Presumptions.

“(2) This section applies in relation to an analyst within the meaning of Part VA as it applies in relation to an inspector.”.

8 The Principal Act is amended by adding at the end thereof the following schedule:— The sixth schedule.

“ THE SIXTH SCHEDULE.

“(Section 25B)

“ DENOMINATIONS OF LOAVES.

Denomination of loaf.	Weights of loaves deemed to be within denomination.	Standard weight.	Required weight of dry solids.
One pound loaf	Greater than eight ounces but not greater than one pound two ounces.	One pound.	Nine ounces and six-tenths of an ounce.
Two pound loaf	Greater than one pound two ounces but not greater than two pounds two ounces.	Two pounds.	One pound, three ounces, and two-tenths of an ounce.
Four pound loaf	Greater than two pounds two ounces.	Four pounds.	Two pounds, six ounces, and four-tenths of an ounce.”.