

AG301*

Perth Market Act 1926

Perth Market Amendment By-laws 2004

Made by the Perth Market Authority and approved and confirmed by the Governor in Executive Council.

1. Citation

These by-laws may be cited as the *Perth Market Amendment By-laws 2004*.

2. The by-laws amended

The amendments in these by-laws are to the *Perth Market By-laws 1990**.

[* Reprinted 10 August 2001.

For amendments to 22 April 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 271.*]

3. By-law 32K amended

By-law 32K(1)(a) is amended by deleting “(including de facto spouse)” and inserting instead —

“ , de facto partner ”.

4. By-law 42 replaced by by-laws 42, 42A and 42B

By-law 42 is repealed and the following by-laws are inserted instead —

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42. Identification plates for registered forklifts

The Authority may on the receipt of a fee of \$50 issue an identification plate in relation to a forklift registered by the Authority.

42A. Licensing of forklift drivers

- (1) The Authority may issue a licence to a person to drive and operate a registered forklift in the public market if the Authority is of the opinion that the person is competent to drive and operate a forklift in the public market.
- (2) The Authority shall —
 - (a) maintain a record of licenses issued under sub-bylaw (1); and
 - (b) issue licensed forklift drivers with a forklift driver's identification badge.
- (3) If the holder of a forklift drivers' licence —
 - (a) has been —
 - (i) convicted of an offence against by-law 42B; or
 - (ii) given 2 or more infringement notices under section 13B of the Act, in respect of offences against by-law 42B within a 12 month period, none of which have been withdrawn;
 - (b) has been given notice by the Authority that the Authority proposes to suspend the licence for the period of time, not exceeding 3 months, specified in the notice if the holder does not show cause to the Authority why the licence should not be suspended within the time specified in the notice, being at least 14 days after the notice is given; and
 - (c) does not show cause to the Authority why the licence should not be suspended within the time specified in the notice,

then the Authority may suspend the licence by giving to the holder of the licence a suspension of licence notice specifying the period of time for which the licence is suspended.

- (5) A forklift drivers' licence is of no effect while it is suspended.
- (6) The period of time for which a licence is suspended is not to exceed the time proposed by the notice given under sub-bylaw (3)(b).
- (7) A person whose forklift drivers' licence is suspended is to return the forklift driver's identification badge issued under sub-bylaw (2)(b) to the Authority within 7 days of being given the suspension of licence notice.

42B. Control of forklifts

- (1) A person shall not operate a forklift or cause or permit a forklift to be operated in the public market, unless —
 - (a) the forklift is registered by the Authority and approved for operation within the public market;
 - (b) the person operating the forklift is competent to do so and is the holder of a forklift drivers' licence issued by the Authority under by-law 42A;
 - (c) the identification plate issued by the Authority under by-law 42 is at all times affixed to and displayed on the roof of the roll cage of the forklift in a conspicuous place; and
 - (d) the forklift is mechanically sound and operated in a safe and proper manner.
- (2) A person shall not drive or operate a forklift in the public market unless the person —
 - (a) is the holder of a current appropriate Class driver's licence as issued under the *Road Traffic Act 1974*;
 - (b) is the holder of a forklift drivers' licence issued by the Authority under by-law 42A;
 - (c) displays in a conspicuous place on his or her person or in the forklift cab, the forklift driver's identification badge issued under by-law 42A(2)(b);
 - (d) operates the forklift in a safe and proper manner;
 - (e) obeys all traffic signs erected by the Authority in the market; and
 - (f) has the lights of the forklift illuminated at all times.
- (3) A person who contravenes sub-by-law (1) or (2) commits an offence.
Penalty: \$200.

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5. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) in column 3 in the item relating to by-law 13 by deleting “20” and inserting instead —
“ 100 ”;

- (b) in column 3 in the item relating to by-law 14 by deleting “25” and inserting instead —
“ 100 ”;
- (c) in column 3 in the item relating to Part 5 by deleting “20” and inserting instead —
“ 50 ”;
- (d) after the item relating to Part 5 by inserting the following item —
- “
- | | | |
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| 42B | Offences related to the driving or operating of forklifts | 50 |
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- ”.

Made by the Perth Market Authority by resolution adopted on 30 July 2004.

DAVID TAYLOR, Chairperson.

ROBERT HALLIDAY, Manager.

Approved and confirmed by the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
