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**AGRICULTURE**

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AG301\*

Perth Market Act 1926

**Perth Market Amendment By-laws (No. 2) 2000**

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 (No. 2) 2000*.

**2. The by-laws amended**

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

[\* *Published in Gazette 28 December 1990, pp. 6415-32.*  
*For amendments to 27 September 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 205, and Gazette 28 July 2000.*]

**3. By-law 32A amended**

By-law 32A(3) is repealed and the following sub-by-law is inserted instead —

“

(3) In sub-by-law (1) —

“**exempt supply agreement**” has the meaning given in by-law 32AA.

”.

**4. By-law 32AA inserted**

After by-law 32A the following by-law is inserted —

“

**32AA. Meaning of “exempt supply agreement”**

(1) An agreement is an “**exempt supply agreement**” for the purposes of by-law 32A if it is an agreement to which sub-by-law (2), (3) or (4) applies.

(2) This sub-by-law applies to a written agreement —

(a) that —

(i) is entered into by the supplier and the occupier before the produce to be

- supplied under the agreement leaves the premises of the supplier; and
- (ii) except as provided for in paragraph (b), is not subsequently varied;
- (b) that specifies the price for the produce, the circumstances in which the price may be varied and the terms of payment of the price; and
- (c) under which the produce becomes the property of the occupier.
- (3) This sub-by-law applies to an agreement for the supply to an occupier of prescribed produce that has been sold to the supplier.
- (4) This sub-by-law applies to an agreement for the supply to an occupier of prescribed produce from outside Western Australia.

”.

#### 5. By-law 32B amended

- (1) By-law 32B(2) and (3) are repealed.
- (2) By-law 32B(4) is amended as follows:
- (a) by deleting “an occupier sells prescribed produce, the occupier” and inserting instead —
- “
- the end of the period mentioned in paragraph (a), an occupier who sells prescribed produce
- ”;
- (b) in paragraph (a), by deleting “date on” and inserting instead —
- “ period of not more than 3 days within ”;
- (c) after paragraph (a), by deleting “and”;
- (d) in paragraph (b)(i) after “total amount”, by inserting —
- “
- (excluding any amount paid or payable for interstate or overseas freight)
- ”.
- (3) By-law 32B(6) is amended as follows:
- (a) after “written agreement,”, by inserting —
- “ and subject to sub-by-law (6a), ”;
- (b) at the end of paragraph (a), by deleting “and”;
- (c) at the end of paragraph (b), by deleting the full stop and inserting instead —
- “ ; and ”;

(d) by inserting the following paragraph —

“

(c) the quantity, grade, size and variety of any produce that —

(i) formed part of the same consignment of produce supplied by the supplier; and

(ii) has not been sold.

”.

(4) After by-law 32B(6) the following sub-by-law is inserted —

“

(6a) In complying with sub-by-law (6), an occupier is not required to give information relating to the grade, size or variety of produce that is more detailed than the information relating to those matters given by the supplier when supplying the produce.

”.

(5) By-law 32B(7) is amended by deleting “an occupier sells prescribed produce, the occupier” and inserting instead —

“

the end of the period mentioned in sub-by-law (4)(a), an occupier who sells prescribed produce

”.

(6) By-law 32B(7)(b) is amended by deleting “the quantity, grade, size and variety” and inserting instead —

“ an accurate description ”.

## **6. By-law 32C amended**

(1) By-law 32C(1) is amended as follows:

(a) by deleting “lesser”;

(b) by deleting “an occupier sells an item of prescribed produce, the occupier” and inserting instead —

“

the end of the period mentioned in by-law 32B(4)(a), an occupier who sells an item of prescribed produce

”.

(2) After by-law 32C(1) the following sub-by-law is inserted —

“

(1a) If a period of more than 21 days is agreed by the occupier and the supplier under sub-by-law (1), the supplier is to provide a signature in the agreement at the place where the period is specified.

”.

- (3) By-law 32C(3) is amended by deleting “sale of the prescribed produce — ” and inserting instead —

“ end of the period mentioned in by-law 32B(4)(a) — ”.

**7. By-law 32H amended**

By-law 32H(1)(a) is amended by deleting “under by-law 32B”.

**8. By-law 32J amended**

- (1) By-law 32J(1) is amended as follows:

- (a) in paragraph (a) after “purchases”, by inserting —  
“ any of ”;
- (b) in paragraph (b) after “sells”, by inserting —  
“ any of ”;
- (c) in paragraph (b) after “whom”, by inserting —  
“ or which ”.

- (2) By-law 32J(4) is repealed and the following sub-bylaws are inserted instead —

“

- (4) If an occupier is authorised to sell prescribed produce to a person referred to in sub-bylaw (1)(b), the occupier is to give to the supplier within 7 days after the sale —

- (a) written notice of the name of the person to whom or which the produce was sold; or
- (b) if the person to which the produce was sold is a subsidiary of a holding company — written notice that states the name of the holding company and that the produce was sold to a subsidiary (which does not need to be named) of that holding company.

- (5) In sub-bylaw (4) —

“**holding company**” and “**subsidiary**” each has the same meaning as it has in the Corporations Law.

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**9. By-law 32K amended**

By-law 32K(1)(l) is amended by deleting “holds a substantial interest in” and inserting instead —

“ controls ”.

Made by the Perth Market Authority by resolution adopted on the 22<sup>nd</sup> day of September 2000.

LEIGH WARNICK, Chairman.  
ROBERT HALLIDAY, Manager.

Approved and confirmed by the Governor,

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