
AGRICULTURE

AG301*

Perth Market Act 1926

Perth Market Amendment By-laws 1999

Made by the Perth Market Authority and approved and confirmed by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These by-laws may be cited as the *Perth Market Amendment By-laws 1999*.

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 22 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 203.]

3. By-law 3 amended

By-law 3(1) is amended by inserting the following definition in the appropriate alphabetical position —

“

“**principal**” in relation to an occupier, has the same meaning as in by-law 27(2);

”.

4. By-law 27 amended

- (1) By-law 27(2) is amended by inserting after “days” —

“

, or such time as is agreed in writing by the parties,

”.

- (2) By-law 27(3) is amended as follows:

- (a) by deleting “Within” and inserting instead —

“ Subject to by-law 27A, within ”;

- (b) by deleting “sub-by-law (1)” and inserting instead —

“ sub-by-law (2) ”;

- (c) by inserting after paragraph (a)(v) the following subparagraph —

“ (vi) the principal by name; ”;

- (d) by inserting after paragraph (b)(v) the following subparagraph —

“ (va) the buyer by name or code; ”.

- (3) By-law 27(5) is amended by deleting “and in addition thereto shall maintain” and inserting instead —

“

and all agreements entered into under by-law 27A and in addition thereto shall keep and maintain

”.

- (4) By-law 27(6) is repealed and the following sub-by-law is inserted instead —

“

- (6) Copies of all receipts, invoices, agreements, and sale notes and the records, books and accounts required to be kept and maintained under sub-by-law (5) shall be kept by the occupier in safe custody for a period of not less than 2 years after —

- (a) the transaction to which such documents relate took place; or

- (b) the agreement ceases to operate.

”.

- (5) By-law 27(7) is amended by inserting after “invoices,” in both places where it occurs —

“ agreements, ”.

- (6) By-law 27(8)(b) is amended by inserting after “invoice,” —
“ agreement, ”.

5. By-law 27A inserted

After by-law 27 the following by-law is inserted —

“

27A. Cash sales and agreement regarding records under by-law 27(3)

- (1) An agreement between a principal and an occupier that by-law 27(3), or specified parts of that by-law, is not to apply in specified circumstances or for a specified period of time —
- (a) is to be entered into if the occupier and principal enter into an agreement under sub-by-law (3); and
 - (b) may be entered into at any other time.
- (2) To the extent that there is a conflict between an agreement under sub-by-law (1) and by-law 27(3), by-law 27(3), and where relevant by-law 27(4), does not apply.
- (3) An occupier may not sell, or offer for sale, general produce for cash in the public market between 7.30 am and 12 noon on a Saturday unless the occupier does so in accordance with a written agreement to that effect with the principal.
- (4) Unless otherwise specified —
- (a) the general produce the subject of an agreement under sub-by-law (1) becomes the property of the buyer at the point of sale; and
 - (b) payment for the general produce the subject of an agreement under sub-by-law (1) is to be made by the occupier to the principal within 21 days of the day the sale of the general produce takes place.
- (5) In this by-law —
“**specified**” means specified in writing in an agreement under this by-law.

”.

6. By-law 43 amended

By-law 43(4) is amended by deleting “13(2)” and inserting instead —

“ 13C(2) ”.

Made by the Perth Market Authority by resolution adopted on the
18th day of December 1998.

G. H. ANDERSON, Chairman.
I. A. MANNING, Manager.

Approved and confirmed by the Lieutenant-Governor and deputy of the
Governor,

ROD SPENCER, Clerk of the Executive Council.