

**ACTS AMENDMENT
(PERTH MARKET AUTHORITY) ACT**

No. 6 of 1990

AN ACT to amend the *Metropolitan Market Act 1926* and to make consequential amendments to the *Constitution Acts Amendment Act 1899*, the *Financial Administration and Audit Act 1985*, the *Government Employees Superannuation Act 1987*, the *Parliamentary Commissioner Act 1971* and the *Public Service Act 1978* and for related purposes.

[Assented to 12 July 1990.]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Perth Market Authority) Act 1990*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

PART 2—METROPOLITAN MARKET ACT 1926

Principal Act

3. In this Part, the *Metropolitan Market Act 1926** is referred to as the principal Act.

[*Reprinted as approved 24 July 1975 and amended by Acts Nos. 25 of 1977, 77 of 1981, 64 of 1984, 98 of 1985, 29 and 113 of 1987 and Gazette 26 June 1987.]

Section 1 amended

4. Section 1 of the principal Act is amended by deleting "*Metropolitan Market Act, 1926*" and substituting the following—

“ *Perth Market Act 1926* ”.

Section 1A amended

5. Section 1A of the principal Act is amended—

(a) by inserting after the definition of “agent” the following definition—

“ “Authority” means the body corporate known as the Perth Market Authority preserved and continued under section 3; ”; and

(b) in the definition of “public market” by deleting “Trust” and substituting the following—

“ Authority ”.

Section 3 amended**6. Section 3 of the principal Act is amended—**

- (a) by repealing subsection (1) and substituting the following subsections—

“ (1) On and after the date of commencement of the *Acts Amendment (Perth Market Authority) Act 1990*, the body corporate previously constituted under this Act by the name of the “Metropolitan Market Trust” is preserved and continues in existence as a body corporate under and subject to the provisions of this Act by the name of the “Perth Market Authority”, but so that the corporate identity of the body corporate and its rights and obligations are not affected.

(1aa) The Authority as a body corporate has—

(a) perpetual succession and a common seal;
and

(b) power to hold land. ”;

and

- (b) in subsections (1a), (2) and (3) by deleting “Trust” wherever it occurs and substituting in each case the following—

“ Authority ”.

Section 11 amended**7. Section 11 of the principal Act is amended—**

- (a) in subsections (1), (2), (2a), (2b) and (3) by deleting “Trust” wherever it occurs and substituting in each case the following—

“ Authority ”;

- (b) by repealing subsection (4) and substituting the following subsections—

“ (4) Except as provided under subsection (4a), land vested in the Authority shall be exempt from municipal and other rates.

(4a) The Minister may by notice published in the *Gazette* declare any portion of land vested in the Authority—

- (a) not to be exempt from municipal and other rates; or
- (b) to be exempt only in respect of such percentage of the municipal and other rates as is specified in the notice,

and in such a notice may make different provision for different portions of the land. ”;

and

- (c) in subsection (5) by deleting “Trust” and substituting the following—

“ Authority ”.

Section 13 amended

8. Section 13 of the principal Act is amended—

- (a) in subsection (1)—

- (i) by deleting paragraphs (4d), (4e) and (4f) and substituting the following paragraph—

“ (4d) Subject to subsection (2b), providing for the registration of forklifts used within the public market and the licensing of drivers of such forklifts; ”;

and

- (ii) by deleting “Trust” wherever it occurs and substituting in each place the following—

“ Authority ”;

- (b) in subsection (2) by deleting “Trust” and substituting the following—

“ Authority ”; and

- (c) by inserting after subsection (2a) the following subsection—

“ (2b) A by-law made pursuant to subsection (1) (4d)—

(a) may prescribe a charge for the issue of identification plates for forklifts and for the training of persons seeking a licence to drive a forklift;

(b) shall not prescribe any fee or charge for the registration of forklifts or the licensing of drivers. ”.

Section 13B amended

9. Section 13B of the principal Act is amended—

(a) in subsection (1) by deleting “not being an offence against a by-law made with respect to the regulation of vehicular and pedestrian traffic or with respect to the parking and standing of vehicles,”; and

- (b) by inserting after subsection (5) the following subsection—

“ (6) Where the parking or standing of a vehicle is an element of an alleged offence, an infringement notice may be addressed to the owner of the vehicle without naming that person, and the notice may be left in or upon or attached to the vehicle.

(7) Where under subsection (6), an infringement notice is addressed to the owner of a vehicle and left in or upon or attached to the vehicle then, unless—

(a) the prescribed penalty for the offence is paid within the time specified in the notice; or

- (b) the owner of the vehicle within the time specified in the notice for the payment of the penalty—
- (i) informs an authorized person as to the identity of the person who was the driver or person in charge of the vehicle at the time of the alleged offence; or
 - (ii) satisfies a prescribed person that at the time of the alleged offence the vehicle had been stolen or unlawfully taken or used,

the owner is, in the absence of proof to the contrary, deemed to have committed the offence. ”.

References to “Trust” amended

10. The principal Act is amended by deleting “Trust” wherever it occurs in the provisions referred to in the Table to this section and substituting in each case the following—

“ Authority ”.

TABLE

Section 4	Section 11B
Section 5	Section 12 (1) (b)
Section 6 (1)	Section 13C
Section 7	Section 14
Section 8	Section 15
Section 9	Section 16
Section 10 (1)	Section 17.
Section 11A	

Transitional

11. A reference to the Metropolitan Market Trust, whether by use of that name or a similar or abbreviated form of that name—

- (a) in a written law passed or made before the commencement of this Act;
- (b) in any notice, instrument or other document issued, given, made, executed or entered into before the commencement of this Act; or
- (c) made before the commencement of this Act in any other manner,

shall, unless the context is such that it would be incorrect or inappropriate to do so, be read and construed as if it had been amended to be a reference to the Perth Market Authority.

PART 3—CONSTITUTION ACTS AMENDMENT ACT 1899**Schedule V amended**

12. Schedule V to the *Constitution Acts Amendment Act 1899** is amended in Part 3—

- (a) by deleting “The Metropolitan Market Trust constituted by the *Metropolitan Market Act 1926.*”; and
- (b) by inserting in the appropriate alphabetical position the following—

“ The Perth Market Authority preserved and continued under the Perth Market Act 1926. ”.

PART 4—*FINANCIAL ADMINISTRATION AND AUDIT ACT 1985*

Schedule 1 amended

13. Schedule 1 to the *Financial Administration and Audit Act 1985** is amended—

- (a) by deleting “Metropolitan Market Trust”; and
- (b) by inserting in the appropriate alphabetical position the following—

“ Perth Market Authority ”.

[**Reprinted as approved 4 March 1987 and amended by Acts Nos. 94 of 1986, 9, 32, 65, 88, 89, 91, 99 and 113 of 1987 and 4, 19, 21 and 52 of 1988 and Gazettes of 30 June 1987, 25 September 1987, 4 December 1987, 8 April 1988, 16 December 1988, 9 June 1989 and 30 June 1989.*]

PART 5—*GOVERNMENT EMPLOYEES SUPERANNUATION ACT 1987*

Schedule 1 amended

14. Schedule 1 to the *Government Employees Superannuation Act 1987** is amended in Part B by deleting “Metropolitan Market Trust” and substituting the following—

“ Perth Market Authority ”.

[**Act No. 25 of 1987 as amended by Acts Nos. 83 and 91 of 1987, 52 of 1988 and 5 of 1989.*]

PART 6—*PARLIAMENTARY COMMISSIONER ACT 1971*

Schedule amended

15. The Schedule to the *Parliamentary Commissioner Act 1971** is amended—

- (a) by deleting “Metropolitan Market Trust constituted under the *Metropolitan Market Act 1926.*”; and

- (b) by inserting in the appropriate alphabetical position the following—

“ Perth Market Authority preserved and continued under the *Perth Market Act 1926*. ”.

[*Reprinted as at 31 March 1989.]

PART 7—PUBLIC SERVICE ACT 1978

Schedule amended

16. The Schedule to the *Public Service Act 1978** is amended in Column 2 by deleting “Metropolitan Market Trust, constituted by the *Metropolitan Market Act 1926*” and substituting the following—

“ Perth Market Authority preserved and continued under the *Perth Market Act 1926* ”.

[*Reprinted as at 16 March 1988.]
