

METROPOLITAN MARKET.

No. 77 of 1981.

AN ACT to amend the Metropolitan Market Act
1926-1977.

[Assented to 9 November 1981.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Metropolitan Market Amendment Act 1981*.

Short title
and citation.

(2) In this Act the Metropolitan Market Act 1926-1977 is referred to as the principal Act.

Reprinted as
approved 24
July 1975
and amended
by Act No.
25 of 1977.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Market Act 1926-1981.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 1A
amended.

3. Section 1A of the principal Act is amended by inserting in their appropriate alphabetical positions, the following definitions—

“ “agent” means a person who carries on the business of acting for or on behalf of another person in the selling of general produce whether such sale is by auction or otherwise;

“general produce” means prescribed produce and such other produce as is prescribed by the by-laws to be general produce;

“market” means a place or places in the vicinity of each other (whether contiguous to each other or not) at which persons meet for the purposes of selling or purchasing for re-sale general produce or prescribed produce, as the case requires, but does not include any place—

(a) at which the sale of general produce or prescribed produce, as the case requires, occurs if the place is the premises of the seller; or

(b) at which the purchase for resale of general produce or prescribed produce, as the case requires, occurs if the place is the premises of the purchaser.

“metropolitan area” means the area described in the Schedule to this Act;

“prescribed area” means the area within a radius of 70 kilometres from the General Post Office at Perth;

“prescribed produce” means fruit and vegetables;

“public market” means the market established by the Trust under this Act. ” .

4. Section 2 of the principal Act is repealed and the following section substituted— Section 2 substituted.

“ 2. (1) The Governor may from time to time by regulation amend the metropolitan area— Extension of metropolitan area.

(a) by adding any area to the metropolitan area or by subtracting any area from the metropolitan area; or

(b) by deleting and substituting the metropolitan area;

(2) Regulations made under subsection (1) of this section may provide that this Act, as amended by those regulations, may be cited in the manner specified in those regulations.

(3) Notwithstanding any increase in the metropolitan area effected by the regulations made under subsection (1) of this section any act or thing lawfully commenced and not discontinued or abandoned, before the coming into operation of those regulations in an area which was not included in the metropolitan area before that coming into operation but which is in the metropolitan area after that coming into operation may be continued as if those regulations had not come into operation. ” .

5. Section 3 of the principal Act is amended in subsection (2) by inserting after “Perth City Council” where first occurring the following— Section 3 amended.

“ from amongst the persons holding office as councillor of that Council at the time of such nomination ” .

6. Section 4 of the principal Act is amended— Section 4 amended.

(a) by deleting “Each” and substituting the following—

“ (1) Subject to subsection (2) of this section, each ” ; and

(b) by inserting the following subsection—

“ (2) Where the person appointed by the Governor to the office of member of the Trust on the nomination of the Perth City Council ceases to hold office as a councillor of that Council the office of member of the Trust held by that person becomes vacant. ” .

Section 11
amended.

7. Section 11 of the principal Act is amended—

(a) in subsection (1), by deleting “fruit, vegetables, meat, fish, poultry, eggs, butter, dairy produce, grain, straw, chaff, hay, and other produce, products;” and substituting the following—

“ general produce ” ; and

(b) by inserting after subsection (2) the following subsections—

“ (2a) Subject to the prior approval of the Minister, the Trust may from its funds make grants of money for purposes that, in the opinion of the Trust, will promote the sale of general produce.

(2b) A grant made under subsection (2a) of this section may be made subject to such terms and conditions as the Trust thinks fit. ” .

Section 12
amended.

8. Section 12 of the principal Act is amended—

(a) by deleting “Subject as hereinafter provided, on the publication in the *Gazette* of a proclamation that a market has been established under this Act—”; and

(b) by repealing subsections (1), (2), (2a) and (3) and substituting the following subsections—

“ (1) Subject to subsection (2) of this section, the provisions of the Local

Government Act 1960 enabling the council of a municipality to provide and establish public markets—

(a) shall not have effect—

(i) in relation to general produce, in the metropolitan area;

(ii) in relation to prescribed produce, in the prescribed area; and

(b) apply and have effect in relation to the Trust, its officers, and the public market and any branch thereof established by the Trust—

(i) with respect to general produce, in the metropolitan area; and

(ii) with respect to prescribed produce in the prescribed area,

with such modifications as are necessary for that purpose.

(2) The council of a municipality to which subsection (1) of this section applies may, with the approval of the Governor and under and subject to Part XXI of the Local Government Act 1960, provide places for markets for the sale of general produce only by retail. ” .

9. Section 13 of the principal Act is amended—

Section 13
amended.

(a) in subsection (1), by inserting after paragraph (3) the following paragraphs—

“ (3a) Prohibiting the sale by auction—

(a) in the metropolitan area of any general produce; and

(b) in the prescribed area of any prescribed produce,

elsewhere than in the public market or a branch thereof;

- (3b) Prohibiting the sale within a prescribed distance from the public market or any branch thereof of general produce or provisions by hawkers or stall keepers, or except on the premises of the seller;

- (3c) Prohibiting the sale—

(a) in the metropolitan area of any general produce; and

(b) in the prescribed area of any prescribed produce,

in any market other than the public market or a branch thereof, except with the consent of the Trust and subject to the by-laws;

- (3d) Prohibiting the sale by wholesale—

(a) in the metropolitan area of general produce; and

(b) in the prescribed area of any prescribed produce,

by agents elsewhere than in the public market or a branch thereof;

- (3e) Requiring any person delivering general produce to the public market or any branch thereof to furnish the Trust with such information relating to the general produce so delivered as may be prescribed and providing that no such information shall be divulged by the Trust or any member, officer or servant of the Trust except for such purposes and in such manner as may be prescribed; " ;

- (b) in subsection (2), by deleting “one hundred dollars” and substituting the following—
 “ \$400 ” ;
- (c) by inserting after subsection (2) the following subsection—
 “ (2a) A by-law made pursuant to paragraph (3a), (3b), (3c) or (3d) of subsection (1) of this section does not apply to or in relation to the sale of general produce or any kind of general produce or of prescribed produce or any kind of prescribed produce—
 (a) by such persons; and
 (b) in such circumstances,
 as are prescribed for the purposes of this subsection. ” ; and
- (d) in subsection (3), by deleting “Municipal Corporations Act, 1906” and substituting the following—
 “ Local Government Act 1960 ” .

10. The principal Act is amended by adding at the end thereof the following schedule—

Schedule
added.

“

SCHEDULE

s. 1A.

Metropolitan Area.

All that portion of land bounded by lines starting at the intersection of the prolongation northerly of the westernmost western boundary of Swan Location 782 with the prolongation westerly of the southern side of Green Street and extending easterly to and easterly and north-easterly along sides of that street and onwards to the centre-line of Charles Street; thence north-westerly along that centre-line to the prolongation north-westerly of the centre-line of Walcott Street; thence south-easterly to and south-easterly along that centre-line

and onwards to the prolongation south-westerly of the centre-line of Guildford Road; thence north-easterly to and north-easterly along that centre-line to the prolongation north-westerly of the north-eastern side of East Parade; thence east to a south-eastern side of Guildford Road; thence north-easterly along that side to the prolongation northerly of a western side of Stanley Street; thence southerly to and along that side to the prolongation westerly of the southern side of Mitchell Street; thence easterly to and along that side to the right bank of the Swan River; thence generally south-westerly, generally southerly and again generally south-westerly, generally north-westerly and again generally south-westerly along that mark to the south-western corner of Late Location 90; thence westerly along the southern boundary of that late location and the southern boundary of Late Perth Sub Lot 139 and onwards to the prolongation southerly of the western side of Winthrop Avenue; thence northerly to and along that side to the northern side of Road Number 15918 (Lands and Surveys Diagram 81984); thence north-easterly to the intersection of the eastern side of Winthrop Avenue with the south-eastern side of Thomas Street as surveyed and shown on Lands and Surveys Original Plan Perth 18/34; thence north-easterly along the last mentioned side to the south-western side of Kings Park Road as surveyed and shown on Lands and Surveys Diagram 29088; thence north-westerly along the prolongation north-westerly of that side to the centre-line of Thomas Street; thence generally north-easterly along that centre-line and onwards to the prolongation easterly of the centre-line of Subiaco Road; thence easterly along that prolongation to the prolongation north-easterly of a south-eastern side of Thomas Street; thence north-easterly along that side to the centre-line of the Fremantle-Perth Railway Reserve; thence generally westerly along that centre-line to the prolongation south-easterly of the northernmost north-eastern boundary of Perth Lot 648; thence north-westerly along that prolongation to the prolongation north-easterly of the easternmost south-eastern boundary of Lot 751; thence south-westerly to and generally south-westerly along boundaries of that lot and generally south-westerly along north-western boundaries of Reserve 3491 to the centre-line of Station Street; thence northerly along that centre-line and onwards to the centre-line of Salvado Road; thence westerly along that centre-line to the prolongation northerly of the eastern boundary of the eastern severance of Swan Location 2124 (Reserve 9396); thence southerly to and southerly and easterly along boundaries of that severance and onwards to the southernmost south-eastern corner of the central severance of the last mentioned location; thence westerly along the southern boundary of that severance to the prolongation northerly of the western

side of Road Number 16487; thence southerly to and southerly along that side to the prolongation easterly of the southern boundary of the western severance of Location 2124 (Reserve 9396); thence westerly to and along that boundary to the prolongation northerly of the western boundary of Lot 26 of Location 6721 as shown on Land Titles Office Plan 7468 Sheet 1; thence southerly to and along that boundary to the north-eastern corner of Lot 34 of Locations 2513 and 6721; thence westerly along the northern boundaries of that lot, Lot 35 of Locations 2124 and 6721 and westerly and southerly along boundaries of Lot 36 to the northern side of Dakin Street as shown on Land Titles Office Plan 7468 Sheet 1; thence westerly along that side to the prolongation northerly of the western side of Northmore Street as shown on Land Titles Office Plan 7468 Sheet 1; thence southerly to and along that side to the north-eastern corner of Lot 47 as shown on Land Titles Office Plan 7468 Sheet 1; thence westerly along the northern boundaries of that lot and Lot 92 and onwards to a western side of Selby Street; thence northerly along that side to the centre-line of Cambridge Street; thence easterly along that centre-line to the prolongation southerly of the eastern side of Marlow Street; thence northerly to and along that side to a north-western side of Herdsman Parade; thence generally north-easterly along sides of that parade to the southern corner of the south-eastern severance of Herdsman Lake Lot 367; thence north-easterly along the southernmost south-eastern boundary of that severance and onwards to the prolongation westerly of the northern side of Dodd Street; thence easterly to and along that side and easterly along the southern boundary of Swan Location 5359 and onwards to a western boundary of Location 2853; thence northerly along that boundary and northerly along the western boundary of Location 9533 to the northernmost south-western corner of Location 2853; thence generally north-westerly, generally north-easterly and generally south-easterly along boundaries of that location to its northernmost north-eastern corner; thence north-easterly to the intersection of a north-eastern side of Lake Monger Drive with the easternmost eastern boundary of Perthshire Location Aq and thence northerly along that boundary and onwards to the starting point; excluding Perth Lots L74, L76, 465, 469, 470, 556, 557, 772, 784, 785, 786, 801, 856, 895 and 896 (Class "A" Reserve 1720 ("Kings Park")) and being the whole of the area included in the red border on Lands and Surveys Miscellaneous Plan Number 1141.

Lands and Surveys Public Plans: Perth 2000 10.25,
10.26, 10.27, 10.28, 11.22, 11.23, 11.24, 11.25, 11.26, 11.28,
11.29, 12.22, 12.23, 12.24, 12.25, 12.26, 12.29, 13.23, 13.24,
13.27, 13.28, 13.29, 14.23, 14.24, 14.25, 14.26, 14.27, 15.24
and 15.26. " .