



Western Australia

## **Perth Market By-laws 1990**

Compare between:

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Western Australia

Perth Market Act 1926

## Perth Market By-laws 1990

### Part 1 — Preliminary

#### 1. Citation

These by-laws may be cited as the *Perth Market By-laws 1990*<sup>1</sup>.

#### 2. Commencement

These by-laws shall come into operation on 1 January 1991.

#### 3. Terms used

- (1) In these by-laws, unless the contrary intention appears —
- authorised person*** means a person authorised by the Authority;
- central trading area*** means that part of the public market that is included in the building used by occupiers for the purposes of the sale or display of general produce;
- certificate of condemnation*** means a certificate that certifies that prescribed produce is unfit for sale;
- common area*** means the area of the public market that comprises roads, parking areas and access areas that are open to the public but does not include the area of the public market comprised in the premises of occupiers;

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***forklift*** means a vehicle propelled by mechanical means that is designed to lift and move goods and produce;

***form*** means a form in Schedule 2;

***inspector*** means a person appointed by the Authority under section 10 of the Act;

***manager*** means the person appointed by the Authority under section 10 of the Act;

***occupier*** means a person who is an occupier of premises in the public market;

***the public market*** means the market established pursuant to section 11 of the Act;

***written agreement*** means a written agreement between a supplier of prescribed produce and an occupier that is signed or otherwise executed by both parties to the agreement.

- (2) Cut flowers, meat and fish are prescribed as “general produce” for the purposes of the meaning of the term ***general produce*** in section 1A of the Act.
- (3) In sub-bylaw (2) ***fish*** means any kind of fish, crustacea or marine animal which has not been subjected to any process other than freezing.

*[By-law 3 amended in Gazette 15 Jan 1999 p. 110; 28 Jul 2000 p. 3988.]*

## **Part 2 — The Authority**

### **4. Common seal**

The common seal of the Authority shall be in the form of 2 concentric circles containing the words “Common Seal” in the space enclosed by the circles and the name of the Authority between the circles.

### **5. Custody of seal**

The manager shall hold the common seal in safe custody and available for use as authorised by these by-laws.

### **6. Affixing of common seal**

- (1) The manager may affix the common seal to all documents and classes of documents which the Authority has authorised to be sealed with the common seal.
- (2) The affixing of the common seal to any document shall be attested by signatures of a member thereof and the manager or in the absence of the manager by 2 members of the Authority.

### **7. Sealing clause**

Whenever the common seal is affixed to a document the following sealing clause shall be inserted in the document —

“ The common seal of the Perth Market Authority was  
hereto affixed on the            day of            20    by  
authority of the Authority. ”.

### **8. Register of affixing common seal**

The manager shall maintain a register of the use of the common seal in which he shall record in respect of each document to which the common seal is affixed —

- (a) particulars of the nature of the document;
- (b) the date of the document;

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- (c) the authority for the affixing of the common seal;
- (d) the names and titles of the persons attesting the affixing of the common seal.

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## Part 3 — General

### 9. Market entry restricted to lawful business

A person shall not, whether in a vehicle or not, enter or remain in the public market or in any part thereof except for or in connection with a lawful purpose connected with the public market.

Penalty: [a fine of](#) \$300.

*[By-law 9 amended in Gazette 31 May 2011 p. 1961.]*

### 10A. Access cards

- (1) The Authority may issue access cards to occupiers and to other persons who wish to enter the public market for or in connection with a lawful purpose connected with the public market.
- (2) The Authority may cancel an access card issued to a person under sub-by-law (1) if the person —
  - (a) has contravened a provision of the Act or these by-laws;  
or
  - (b) in the opinion of the Authority, is not a suitable person or a fit and proper person to hold an access card.
- (3) The cancellation of an access card has effect when the holder is given written notice of the cancellation, or on any later date stated in that notice.

*[By-law 10A inserted in Gazette 10 Oct 2008 p. 4540.]*

### 10B. When persons may enter or remain in the public market

- (1) A person must not enter or remain in the public market unless the person —
  - (a) holds an access card issued under by-law 10A; or
  - (b) has the prior consent of the Authority to do so,

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other than at a time when this sub-bylaw does not apply, in accordance with a notice referred to in sub-bylaw (2).

Penalty: [a fine of](#) \$400.

- (2) The Authority may by notice erected in a conspicuous place in the public market, notify the public of the times during which sub-bylaw (1) does not apply.
- (3) A person in, or who wishes to enter, the public market and who holds an access card must, at the request of an inspector, produce the card for inspection by the inspector, other than at a time when sub-bylaw (1) does not apply, in accordance with a notice referred to in sub-bylaw (2).
- (4) A person who fails to comply with the request of an inspector under sub-bylaw (3) commits an offence.

Penalty: [a fine of](#) \$400.

*[By-law 10B inserted in Gazette 10 Oct 2008 p. 4540-1;  
[amended in Gazette 31 May 2011 p. 1961.\]](#)*

**10. Unlawful removal of produce prohibited**

A person who unlawfully removes any general produce or other goods from the premises of an occupier or from any other part of the public market commits an offence.

Penalty: [a fine of](#) \$600.

*[\[By-law 10 amended in Gazette 31 May 2011 p. 1961.\]](#)*

**11. Depositing litter prohibited**

A person shall not within the public market throw, deposit or leave rubbish, refuse, paper, bottles, glass (broken or otherwise) or litter of any kind except in a receptacle provided for the purpose.

Penalty: [a fine of](#) \$400.

*[\[By-law 11 amended in Gazette 31 May 2011 p. 1961.\]](#)*



**12. Assemblies without permission prohibited**

A person who —

- (a) conducts, organizes or takes part in any procession, meeting or assembly in the public market without the prior written consent thereto of the Authority or who conducts, organizes or takes part in any such procession, meeting or assembly in any way contrary to any condition to which such consent was made subject; or
- (b) after being notified that any procession, meeting or assembly in the public market is contrary to any condition to which consent thereto was made subject, continues to conduct, organize or take part in such procession, meeting or assembly, commits an offence.

Penalty: [a fine of](#) \$500.

[\[By-law 12 amended in Gazette 31 May 2011 p. 1961-2.\]](#)

**13A. High visibility clothing to be worn in certain areas of the market**

~~— (1) The Authority may from time to time provide that high visibility clothing is to be worn in an area of the public market indicated by a notice erected in or adjacent to that area by the Authority.~~

~~— (2) While in any area of the public market referred to in sub-by-law (1) a~~ [\(1\)](#) [A](#) person must wear high visibility clothing that conforms with Australian/New Zealand Standard 4602-1999 “High Visibility Safety Garments” published by Standards Australia and Standards New-Zealand- [in the public market](#) —

[\(a\) in an area of the market where; and](#)

[\(b\) in a period during which,](#)

[a vehicle is, in accordance with traffic signs erected by the Authority, permitted to be driven, or a forklift is permitted to be operated.](#)

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Penalty: [a fine of \\$400.](#)

[\[\(2\) deleted\]](#)

- (3) An occupier must ensure that each of his or her employees complies with sub-bylaw (2).

Penalty: [a fine of \\$400.](#)

*[By-law 13A inserted in Gazette 10 Oct 2008 p. 4541; [amended in Gazette 31 May 2011 p. 1959 and 1961-2.](#)]*

**13. Control of smoking**

A person shall not smoke in any area of the public market in which smoking is prohibited pursuant to a notice erected in that area by the Authority.

Penalty: ~~\$200~~[a fine of \\$500.](#)

[\[By-law 13 amended in Gazette 31 May 2011 p. 1960\]](#)

**14. Disorderly behaviour**

A person shall not in the public market —

- (a) assault an inspector;
- (b) use abusive or insulting language to an inspector; or
- (c) behave in a disorderly manner or in a manner which causes or is likely to cause nuisance or annoyance to any other person.

Penalty: [a fine of \\$1 000.](#)

[\[By-law 14 amended in Gazette 31 May 2011 p. 1961-2.\]](#)

**15. Obscene material prohibited**

A person shall not in the public market write, print or publish any indecent or obscene words, images, pictures or material of any kind or draw, display, print, publish or engage in the distribution of any indecent or obscene pictures, images, representations, magazines, books or other material of any kind.

Penalty: [a fine of](#) \$200.

[\[By-law 15 amended in Gazette 31 May 2011 p. 1961-2.\]](#)

#### **16. Restriction on signs**

A person shall not without the prior written consent of the Authority affix, paint or otherwise exhibit or permit to be affixed, painted or otherwise exhibited to or on any part of the public market including the roof, external walls, passageways, stairways and entrances or windows or doors thereof any placard, poster, advertisement, other drawing or writing, sign board, blind, awning, canopy, television or wireless antenna or mast.

Penalty: [a fine of](#) \$200.

[\[By-law 16 amended in Gazette 31 May 2011 p. 1961-2.\]](#)

#### **17. Restriction on use of alcohol**

A person shall not —

- (a) without the prior written consent of the Authority, bring, keep or consume any alcoholic beverage in the public market; or
- (b) enter or remain in the public market when under the influence of alcohol or a drug, to such an extent that the person's judgement is impaired thereby.

Penalty: [a fine of](#) \$400.

[\[By-law 17 amended in Gazette 31 May 2011 p. 1961-2.\]](#)

#### **18. No obstructions**

- (1) A person shall not, without the prior written consent of the Authority, place or leave any goods or other thing on a road or footway or in any part of the common area of the public market so as to cause an obstruction therein.

Penalty: [a fine of](#) \$300.

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- (2) An occupier shall not, without the prior written consent of the Authority, leave, place or permit or cause to be placed any goods or other thing in or on any road or footway adjacent to the premises occupied by the occupier.

Penalty: [a fine of \\$300.](#)

[\[By-law 18 amended in Gazette 31 May 2011 p. 1961-2.\]](#)

**19.      Restriction on animals**

- (1) A person shall not bring or allow any animal into the public market unless the animal is confined to the motor vehicle of that person.

Penalty: ~~\$200~~[a fine of \\$250.](#)

- (2) Sub-bylaw (1) does not apply to a dog used for the purposes of guiding a blind person.

[\[By-law 19 amended in Gazette 31 May 2011 p. 1960.\]](#)

**20.      No interference with Authority property**

A person shall not —

- (a) without the prior written consent of the Authority, interfere with any property of the Authority in the public market; or
- (b) damage any property of the Authority in the public market.

Penalty: [a fine of \\$1 000.](#)

[\[By-law 20 amended in Gazette 31 May 2011 p. 1961-2.\]](#)

**21.      Restrictions on fire hose use**

A person shall not —

- (a) interfere with or damage any fire service or related equipment, being the property of the Authority; or

- (b) without the permission of the Authority, take water from such fire service or related equipment for purposes other than fire fighting.

Penalty: [a fine of](#) \$1 000.

*[\[By-law 21 amended in Gazette 31 May 2011 p. 1961-2.\]](#)*

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## **22. Handling of refuse**

- (1) An occupier shall ensure that any common area adjacent to that occupier's premises is kept clear of rubbish, refuse or other material for a distance not less than 1 m.
- (2) An occupier shall cause the receptacles in which such rubbish, refuse and other material are deposited to be made available for collection at the place appointed by the Authority.
- (3) A person shall not place any liquid refuse in a receptacle provided pursuant to this by-law.
- (4) A person who contravenes sub-by-law (1), (2) or (3) commits an offence.

Penalty: [a fine of](#) \$300.

*[\[By-law 22 amended in Gazette 31 May 2011 p. 1961-2.\]](#)*

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## **23. Expectorating, urinating, defecating prohibited**

A person shall not, in the public market, expectorate, urinate or defecate except in the appropriate toilet facilities provided by the Authority and shall, after using those facilities, leave them clean and flushed except where flushing is done automatically.

Penalty: [a fine of](#) \$1 000.

*[\[By-law 23 amended in Gazette 31 May 2011 p. 1961-2.\]](#)*

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## **Part 4 — Control of trading**

*[Division heading deleted in Gazette 10 Oct 2008 p. 4541.]*

### **24. Solicitation of business**

- (1) A person shall not, in or upon any of the common area of the public market, without the prior written consent of the Authority, solicit business of any kind.  
Penalty: ~~\$200~~[a fine of \\$250.](#)
- (2) A person, other than an employee of the occupier, shall not, in or upon the premises of an occupier, without the consent of the occupier, solicit business or cause or permit business to be solicited for any purpose otherwise than for or in connection with the business of the occupier.  
Penalty: ~~\$200~~[a fine of \\$250.](#)

*[By-law 24 amended in Gazette 31 May 2011 p. 1960.]*

### **25. Sales and purchases**

- (1) A person who is not an occupier or an agent or an employee of an occupier shall not, except with the prior written consent of the Authority, sell or offer to sell within the public market any general produce or other goods or merchandise.  
Penalty: ~~\$400~~[a fine of \\$500.](#)
- (2) A person shall not, without the prior written consent of the Authority, buy or offer to buy in the public market any general produce or other goods or merchandise except on and from a portion of the public market that are premises of an occupier.  
Penalty: ~~\$400~~[a fine of \\$500.](#)

*[By-law 25 amended in Gazette 31 May 2011 p. 1960.]*

**26. Minimum sales**

An occupier shall not in the central trading area sell any general produce in an amount less than the amount specified in relation to that kind of produce in Schedule 3.

Penalty: [a fine of](#) \$400.

*[By-law 26 amended in Gazette 31 May 2011 p. 1961-2.]*

**26A. Packaging**

- (1) An occupier shall not in the central trading area display, offer for sale, or sell any general produce in packaging containing less than the amount specified in relation to that kind of produce in Schedule 3.
- (2) An occupier shall not in the central trading area display, offer for sale, or sell any general produce which is not in packaging, unless the produce is of a kind which, under by-law 26 and item 11 of Schedule 3, may be sold individually.

Penalty: [a fine of](#) \$400.

*[By-law 26A inserted in Gazette 9 Dec 1997 p. 7169; [amended in Gazette 31 May 2011 p. 1961-2.](#)]*

*[27, 27A, 28. Deleted in Gazette 28 Jul 2000 p. 3988.]*

*[29-32. Deleted in Gazette 10 Oct 2008 p. 4541.]*

*[Division 2 (bl. 32A-32L) deleted in Gazette 10 Oct 2008 p. 4541.]*

## **Part 5 — Control of vehicles**

### **33. Terms used**

In this Part, unless the contrary intention appears —

***no parking area*** means any area within the public market in which the parking of vehicles is prohibited in terms of a sign or inscription erected appurtenant to or painted adjacent to or upon the area;

***no standing area*** means any area within the public market in which the standing of vehicles is prohibited in terms of a sign or inscription erected appurtenant to or painted adjacent to or upon the area;

***park*** means to permit a vehicle whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with the provisions of any law or immediately taking up or setting down persons or goods;

***stand*** in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law.

### **34. Certificate of authorisation under section 13C(2)**

The Certificate issued pursuant to section 13C(2) of the Act shall be in the form specified in Form 3 of Schedule 2.

### **35. Times for delivery and collection**

- (1) The Authority may by notice erected in a conspicuous place in the public market, notify the public of the times during which and the conditions under which general produce may be delivered to and collected from the public market or any part thereof.
- (2) A person shall not drive a vehicle or cause a vehicle to be driven into the public market for the purpose of —



- (a) delivering general produce to; or
- (b) collecting general produce from,

the public market or any part thereof except during the periods permitted and subject to the conditions imposed by the Authority for that purpose.

Penalty: ~~\$200~~ a fine of \$250.

- (3) Where an inspector is satisfied in the circumstances of a particular case that it is not practicable for the delivery or collection of general produce to be effected during the times specified by the Authority for that purpose, the inspector may permit the delivery or collection of general produce to be effected outside those times.

*[By-law 35 amended in Gazette 31 May 2011 p. 1960.]*

**36A. Licensing of vehicle drivers and control of vehicles generally**

- (1) A person must not drive a vehicle in the public market —
  - (a) without due care and attention; and
  - (b) in a manner which, having regard to all of the circumstances, is dangerous to any person.

- (2) A person must not drive a vehicle in the public market—  
without being the holder of a current valid driver's licence, granted under the Road Traffic Act 1974, appropriate to the class of vehicle.

~~(a) without being the holder of a current valid driver's licence, issued under the Road Traffic Act 1974, appropriate to the class of vehicle; or~~

~~(b) when under the influence of alcohol or a deleterious substance.~~

- (3) A person ~~driving a vehicle in the public market must obey all traffic signs erected by the Authority in the market.~~

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~~— (4) A person~~ who contravenes sub-bylaw (1), or (2) ~~or (3)~~ commits an offence.

Penalty: ~~\$1 000~~ a fine of \$800.

*[By-law 36A inserted in Gazette 10 Oct 2008 p. 4541-2; amended in Gazette 31 May 2011 p. 1960.]*

**36B. Driver to produce driver's licence for inspection**

- (1) At the request of an inspector, a person driving a vehicle in the public market must produce the person's driver's licence for inspection by the inspector.
- (2) A person who fails to comply with the request of an inspector under sub-bylaw (1) commits an offence.

Penalty: ~~\$1 000~~ a fine of \$800.

*[By-law 36B inserted in Gazette 10 Oct 2008 p. 4542; amended in Gazette 31 May 2011 p. 1961.]*

**36. Vehicles entry and exit**

- (1) The Authority may from time to time appoint places to be used by vehicles entering or departing from the public market, as the case requires, and shall cause signs to be erected or marks or inscriptions to be painted on the roadways in or to the public market indicating the places so appointed.
- (2) A person who causes or permits a vehicle —
  - (a) to enter the public market except at a place appointed for use by vehicles entering the public market under sub-bylaw (1); or
  - (b) to depart from the public market except at a place appointed for use by vehicles departing from the public market under sub-bylaw (1),

commits an offence.

Penalty: ~~\$200~~ a fine of \$250.

- (3) The Authority may from time to time erect signs or cause lines, notices or symbols to be painted on the roadways in or to the public market specifying the direction and path to be followed by vehicles in any area of the public market and any person who drives a vehicle in a manner contrary to the manner required by such signs, lines, notices or symbols commits an offence.

Penalty: ~~\$200~~[a fine of \\$250.](#)

[\[By-law 36 amended in Gazette 31 May 2011 p. 1961.\]](#)

### **37. Speed limit**

Any person who drives a vehicle within the public market or any part thereof at a speed in excess of the maximum speed limits indicated by a sign erected by the Authority commits an offence.

Penalty: ~~\$100~~[a fine of \\$250.](#)

[\[By-law 37 amended in Gazette 31 May 2011 p. 1961.\]](#)

### **38. Parking**

- (1) The Authority may from time to time constitute, determine and vary and for that purpose cause to be indicated by painted lines, notices and signs, or any one or more of them —
- (a) areas or bays in the public market in which the parking of vehicles is permitted and the manner, conditions, times and limitations upon the parking of vehicles therein;
  - (b) areas or bays in the public market in which the parking of vehicles of a particular class is permitted and the manner, conditions, times and limitations on the parking of vehicles therein;
  - (c) areas or bays in the public market in which the parking of vehicles used by a particular person or class of persons is permitted and the manner, conditions, times and limitations on the parking of vehicles therein; and

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- (d) areas in the public market in which the standing of vehicles is prohibited.
- (2) An inscription on a sign or notice has effect according to its tenor.
- (3) Any person who —
  - (a) parks a vehicle at any place in the public market other than in an area or bay set aside for the parking of vehicles pursuant to this by-law;
  - (b) parks a vehicle in an area or bay set aside for the parking of vehicles, in a manner inconsistent with or contrary to the manner indicated by the painted lines, notices or signs relating to that area or bay or contrary to any condition or limitation so indicated;
  - (c) parks a vehicle in an area or bay set aside for the parking of vehicles of a different class to that vehicle;
  - (d) parks a vehicle in an area or bay set aside for the parking of vehicles used by a particular person or class of persons when not such a person or within such a class of persons; or
  - (e) stands a vehicle in a no standing area,commits an offence.

Penalty: ~~\$200~~[a fine of \\$250](#).

- (4) The Authority may issue a sticker or an identification card or both to persons for whom an area has been set aside pursuant to sub-by-law (1)(b) or (c).
- (5) A person to whom a sticker or identification card has been so issued, commits an offence if he or she fails to display the sticker or identification card, as the case requires, on the vehicle in respect of which it is issued or fails to produce the sticker or identification card, as the case requires, upon demand made by an inspector.

Penalty: ~~\$100~~[a fine of \\$250](#).

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*[By-law 38 amended in Gazette 31 May 2011 p. 1961.]*

**39. Driver of vehicle to comply with directions of inspector**

- (1) If directed by an inspector so to do, the driver of a vehicle in the public market shall position the vehicle in such position as is assigned by an inspector.
- (2) Any driver who takes up a position other than that assigned to him by an inspector, or after having taken up the position assigned to him by an inspector, refuses to remove the vehicle therefrom when requested so to do by an inspector, commits an offence.

Penalty: [a fine of](#) \$500.

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*[By-law 39 amended in Gazette 31 May 2011 p. 1961-2.]*

**40. Inspector may give directions**

- (1) Notwithstanding the provisions of these by-laws, an inspector may —
  - (a) direct the driver or other person in control of a vehicle, to remove the vehicle from the place where it is then parked or standing to some other place in the public market, irrespective of whether the vehicle was then lawfully or unlawfully parked or standing;
  - (b) direct or permit a person wishing to park or stand a vehicle, to park or stand the vehicle in such place in the public market as shall be nominated by the inspector;
  - (c) direct the driver of a vehicle intending to enter or depart from the public market to do so contrary to the manner required by by-law 38.
- (2) A person who fails to comply with any direction given by an inspector pursuant to sub-bylaw (1) commits an offence.

Penalty: [a fine of](#) \$500.

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*[By-law 40 amended in Gazette 31 May 2011 p. 1961-2.]*

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**41. Removal of notice prohibited**

A person other than the driver or other person in charge of a vehicle allegedly involved in the commission of an offence under these by-laws, shall not remove any infringement notice left in or upon the vehicle by an inspector.

Penalty: [a fine of](#) \$400.

*[By-law 41 amended in Gazette 31 May 2011 p. 1961-2.]*

**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.

*[By-law 42 inserted in Gazette 21 Sep 2004 p. 4103.]*

**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 licences issued under sub-by-law (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-by-law (3)(b).
- (7) A person whose forklift drivers' licence is suspended is to return the forklift driver's identification badge issued under sub-by-law (2)(b) to the Authority within 7 days of being given the suspension of licence notice.

*[By-law 42A inserted in Gazette 21 Sep 2004 p. 4104.]*

#### **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;

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- (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~~[a fine of \\$250.](#)

*[By-law 42B inserted in Gazette 21 Sep 2004 p. 4105; [amended in Gazette 31 May 2011 p. 1961.](#)]*



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## **Part 6 — Miscellaneous**

### **43. Infringement notices**

- (1) The offences described in Schedule 1 are prescribed for the purposes of sections 13A to 13C of the Act and the penalty prescribed under the heading “Modified penalty” opposite and corresponding to the offence so described is the penalty payable in respect of the offence under the infringement notice.
- (2) An infringement notice shall be in the form of Form 1 in Schedule 2.
- (3) A notice withdrawing an infringement notice shall be in the form of Form 2 in Schedule 2.
- (4) A certificate issued pursuant to section 13C(2) shall be in the form of Form 3 in Schedule 2.

*[By-law 43 amended in Gazette 15 Jan 1999 p. 111.]*

### **44. Powers of inspectors**

- (1) An inspector may inspect any general produce or other goods or merchandise being removed from the public market in a vehicle or otherwise and for that purpose may compel the driver of a vehicle to permit the inspector to conduct a search of that vehicle.
- (2) A person who —
  - (a) obstructs or hinders an inspector exercising any power conferred on him by this by-law; or
  - (b) contravenes or fails to comply with any direction given by an inspector pursuant to this by-law, commits an offence.

Penalty: [a fine of \\$400](#).

*[By-law 44 amended in Gazette 31 May 2011 p. 1961-2.]*

**bl. 45**

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**45.      Inspector may require name and address**

- (1) An inspector may require of a person reasonably believed by the inspector to have committed an offence against these by-laws, the name and address of that person.
- (2) A person who refuses or fails to comply with a requirement of an inspector pursuant to sub-bylaw (1) commits an offence.  
Penalty: [a fine of](#) \$400.

*[\[By-law 45 amended in Gazette 31 May 2011 p. 1961-2.\]](#)*

**46.      Destruction of produce unfit for sale**

- (1) Where it appears to an inspector, or other authorised person that any general produce or other goods or merchandise brought into the public market or exposed for sale within the public market are unfit for sale, the inspector may direct the occupier of the premises whereon the general produce or goods or merchandise are offered for sale to cause the same to be destroyed.
- (2) A person who refuses or fails to comply with the direction of an inspector or other authorised person pursuant to sub-bylaw (1) commits an offence.  
Penalty: [a fine of](#) \$400.

*[\[By-law 46 amended in Gazette 31 May 2011 p. 1961-2.\]](#)*

**[47.      Omitted under the Reprints Act 1984 s. 7(4)(f).]**

**Schedule 1**

Prescribed offences ~~for the purposes of section 13B~~ and modified penalties

[bl. 13B]

*[Heading inserted in Gazette 31 May 2011 p. 1962.]*

<del>By-law</del>	Brief description of offence	Modified penalty
<u>Section of Act</u>		\$
<u>s. 11A</u>	<u>Contravention of a notice referred to in section 11A of the Act .....</u>	<u>\$200</u>
<u>Provision of By-laws</u>		
9	Entering or remaining in the public market <del>without permission</del> <u>except for or in connection with a lawful purpose connected with the public market .....</u>	<del>25</del> <u>\$50</u>
<u>10B(1)</u>	<u>Entering or remaining in the public market without an access card or the prior consent of the Authority .....</u>	<u>\$50</u>
<u>10B(4)</u>	<u>Failing to produce an access card for inspection at the request of an inspector .....</u>	<u>\$50</u>
11	Littering .....	<del>25</del> <u>\$50</u>
12	Conducting, <del>organizing</del> <u>organising</u> or taking part in an assembly or meeting in the public market without permission .....	<del>—</del> <u>\$50</u>
<u>13A(2)</u>	<u>Failing to wear high visibility clothing in areas of the public market when vehicles are permitted to be driven or forklifts operated .....</u>	<u>\$50</u>
13	Smoking in a non-smoking area .....	<u>\$100</u>
<del>14</del>	<del>Behaving in a disorderly manner .....</del>	<del>100</del>
<del>15</del>	<del>Writing or distributing obscene material .....</del>	<del>20</del>
16	Bill posting or writing on a building <u>etc.</u> without permission .....	<del>20</del> <u>\$40</u>

By-law	Brief description of offence	Modified penalty
17(a)	Bringing, keeping or consuming any alcoholic beverage <del>or remaining in the public market when intoxicated without the prior written consent of the Authority</del> .....	<del>—20</del> \$50
18	Obstructing roads or footways .....	<del>100</del> \$50
19(1)	Bringing an animal into the public market <del>(unless the animal is confined in a motor vehicle)</del> .....	<del>—20</del> \$40
20	Interfering with or damaging Authority's property <del>.....in the public market</del> .....	<del>—20</del> \$200
21	<del>Interfering, damaging or using without permission fire service or related equipment</del> .....	\$200
22	Littering <del>roads common areas</del> adjacent to premises, failing to <del>provide</del> <u>put</u> receptacles <del>out for rubbish or keep receptacles in good repair</del> <u>collection at the place appointed by the Authority</u> , placing liquid refuse in receptacle ...	<del>—25</del> \$50
23	<del>Expectorating, urinating or defecating in the public market, other than in a toilet facility</del> .....	\$200
24(1)	<del>Soliciting business in the common area without the prior written consent of the Authority</del> .....	\$50
24(2)	Soliciting <del>outside own</del> business or causing or permitting business to be solicited for any purpose in or upon the premises <del>or those of employer</del> <u>an occupier</u> .....	<del>—</del> \$50
25(1)	Selling of general produce by a non-occupier or agent	\$100
25(2)	Buying general produce when not on the premises of an occupier .....	<del>—20</del> \$100
35(2)	<del>Delivery to, or collection from, the public market of general produce by vehicle outside of the periods permitted by the Authority for that purpose</del> .....	\$50

**Perth Market By-laws 1990**

**Schedule 1** Prescribed offences for the purposes of section 13B and modified penalties

<b>By-law</b>	<b>Brief description of offence</b>	<b>Modified penalty</b>
<u>36A(2)</u>	<u>Driving a vehicle in the public market without a valid driver's licence .....</u>	<u>\$50</u>
<u>36B</u>	<u>Failure by person driving a vehicle in the public market to produce driver's licence at the request of an inspector .....</u>	<u>\$50</u>
<u>36(2)</u>	<u>Causing or permitting a vehicle to enter, or depart from the public market other than at a place appointed for that use by the Authority .....</u>	<u>\$50</u>
<u>36(3)</u>	<u>Driving a vehicle in the public market contrary to a sign, line, notice or symbol of the Authority .....</u>	<u>\$50</u>
<u>37</u>	<u>Driving a vehicle in the public market at a speed in excess of that indicated by a sign erected by the Authority .....</u>	<u>\$50</u>
<u>38(3)</u>	<u>Parking or standing a vehicle contrary to regulation 38(3) .....</u>	<u>\$50</u>
<u>39(2)</u>	<u>Driver of a vehicle failing to comply with direction of inspector as to positioning of vehicle .....</u>	<u>\$50</u>
<del>Part 5</del> <u>40(2)</u>	<del>Offences in which the driving, standing or parking of a vehicle is an element</del> <u>Driver of a vehicle failing to comply with direction of inspector as to parking, standing, etc. of vehicle .....</u>	<del>—</del> <u>\$50</u>
<u>41</u>	<u>Removal of infringement notice from vehicle by a person, other than the driver of the vehicle .....</u>	<u>\$50</u>
<u>42B(3)</u>	<u>Offences related to the driving or operating of forklifts .....</u>	<u>\$50</u>

[Schedule-1 ~~amended~~ inserted in Gazette ~~27 Nov 1992~~ 31 May 2011 p. 5737; 5 Mar 1993 p. 1431; 21 Sep 2004 p. 4105-6 1962-4.]

**Schedule 2**  
**Notices issued pursuant to section 13B**

Form 1

*Perth Market Act 1926*

**INFRINGEMENT NOTICE**

No. ....

Date of service ..... 20 .....

1. It is alleged that at about ..... a.m./p.m. on the  
..... day of ..... 20 ....., you  
contravened the by-law specified and briefly described in item 2.

.....

Authorised person

2.	By-law No.	Brief description of offence	Modified penalty
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3. You may dispose of this matter either —

- (a) by payment of the modified penalty within ..... days of the  
date of this notice; or
- (b) by having it dealt with by a court.

4. If the modified penalty is not paid within ..... days, court  
proceedings may be taken against you.

5. Payment may be made by completing item 6 and either posting this form and a  
cheque, money order or postal note for the amount of the modified penalty specified in  
item 2, to the registrar of the Magistrates Court <sup>2</sup>, Perth or by delivering this form and  
paying the amount to the registrar of the Magistrates Court <sup>2</sup>, Perth between the hours of  
10.00 a.m. and 3.30 p.m. on Mondays to Fridays.

6. I, .....  
(Name)

of .....  
(number and street)

.....  
(town or suburb) (Postcode)

admit contravening the by-law indicated in this form.

.....

(Signature of offender)



Form 2

*Perth Market Act 1926*

WITHDRAWAL OF INFRINGEMENT NOTICE

No. ....

Date of service ..... 20 .....

To .....

(Name)

of .....

(Address)

Infringement Notice No. .... served on you on  
the ..... day of ..... 20 ..... for the  
alleged contravention of by-law ..... is hereby withdrawn and  
no further action will be taken against you in respect of the alleged offence.

.....

Manager

Form 3

*Perth Market Act 1926*

CERTIFICATE ISSUED PURSUANT TO SECTION 13C(2)

CERTIFICATE

This is to certify that .....

(Name)

is authorised to give infringement notices pursuant to section 13C of the *Perth Market Act 1926*.

The holder of this certificate shall produce this certificate whenever required to do so by a person to whom he has given, or is about to give, an infringement notice.

### Schedule 3

#### Packaging and minimum sales

[By-laws 26 and 26A]

	<b>Fruit</b>	<b>Vegetable</b>	<b>Amount</b>
1.	apples bananas grapefruit lemons mandarins oranges pawpaws pears	carrots onions potatoes tomatoes	Not less than 10 kg
2.	grapes mangoes	beans capsicum parsnips peas sweet potatoes turnips	Not less than 5 kg
3.	avocado stone fruit tamarillo	mushrooms	Not less than 4 kg
4.	kiwifruit		Not less than 3 kg
5.	strawberries		Not less than 12 punnets
6.	passionfruit	corn	Not less than 20 of the produce
7.		cucumber zucchini	Not less than 10 of the produce
8.	chokos		Not less than 6 of the produce
9.		broccoli cabbages cauliflowers celery	Not less than 5 of the produce

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	<b>Fruit</b>	<b>Vegetable</b>	<b>Amount</b>
10.	pineapples melons (except watermelon)	lettuce butternut pumpkin	Not less than 3 of the produce
11.	watermelon	pumpkin (except butternut pumpkin)	Not less than one of the produce

*[Schedule 3 inserted in Gazette 9 Dec 1997 p. 7169-70.]*

## Notes

- <sup>1</sup> This ~~reprint~~ is a compilation ~~as at 6 February 2009~~ of the *Perth Market By-laws 1990* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Perth Market By-laws 1990</i>	28 Dec 1990 p. 6415-32	1 Jan 1991 (see bl. 2)
<i>Perth Market Amendment By-laws 1991</i>	12 Jul 1991 p. 3411	12 Jul 1991
<i>Perth Market Amendment By-laws 1992</i>	27 Nov 1992 p. 5736-7	27 Nov 1992
<i>Perth Market Amendment By-laws 1993</i>	5 Mar 1993 p. 1431	5 Mar 1993
<i>Perth Market Amendment By-laws 1997</i>	9 Dec 1997 p. 7168-70	9 Dec 1997
<i>Perth Market Amendment By-laws 1999</i>	15 Jan 1999 p. 109-12	15 Jan 1999
<i>Perth Market Amendment By-laws 2000</i>	28 Jul 2000 p. 3987-96	1 Aug 2000 (see bl. 2)
<i>Perth Market Amendment By-laws (No. 2) 2000</i>	20 Oct 2000 p. 5900-3	20 Oct 2000
<b>Reprint of the <i>Perth Market By-laws 1990</i> as at 10 Aug 2001</b> (includes amendments listed above)		
<i>Perth Market Amendment By-laws 2001</i>	21 Sep 2001 p. 5219	21 Sep 2001
<i>Perth Market Amendment By-laws 2004</i>	21 Sep 2004 p. 4103-6	21 Sep 2004
<i>Perth Market Amendment By-laws 2008</i>	10 Oct 2008 p. 4539-42	bl. 1 and 2: 10 Oct 2008 (see bl. 2(a)); By-laws other than bl. 1 and 2: 11 Oct 2008 (see bl. 2(b))
<b>Reprint 2: The <i>Perth Market By-laws 1990</i> as at 6 Feb 2009</b> (includes amendments listed above)		
<a href="#"><i>Perth Market Amendment By-laws 2010</i></a>	<a href="#">31 May 2011</a> <a href="#">p. 1959-64</a>	<a href="#">bl. 1 and 2: 31 May 2011</a> <a href="#">(see bl. 2(a));</a> <a href="#">By-laws other than bl. 1 and 2:</a> <a href="#">1 Jun 2011 (see bl. 2(b))</a>

- <sup>2</sup> Under the *Courts Legislation Amendment and Repeal Act 2004* s. 54(2) a reference in a written law to a clerk of petty sessions is, unless the contrary intention appears, to be construed as if it had been amended to be a reference to a registrar of the Magistrates Court. The reference was amended under the *Reprints Act 1984* s. 7(5)(a).