



Western Australia

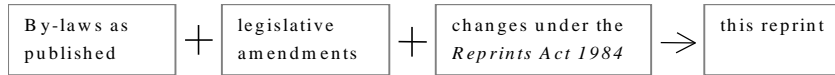
Perth Market Act 1926

# **Perth Market By-laws 1990**

**Reprint 2: The by-laws as at 5 February 2009**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original by-laws and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the by-laws being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a by-law that was inserted, or has been amended, since the by-laws being reprinted were made, editorial notes at the foot of the by-law give some history of how the by-law came to be as it is. If the by-law replaced an earlier by-law, no history of the earlier by-law is given (the full history of the by-laws is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the by-laws have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the by-laws were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the by-laws are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Perth Market By-laws 1990

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Reprinted under the  
*Reprints Act 1984* as  
at 5 February 2009

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;

**bl. 8**

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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.

## **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: \$300.

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

Penalty: \$400.

**bl. 10**

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- (2) The Authority may by notice erected in a conspicuous place in the public market, notify the public of the times during which sub-by-law (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-by-law (1) does not apply, in accordance with a notice referred to in sub-by-law (2).
- (4) A person who fails to comply with the request of an inspector under sub-by-law (3) commits an offence.

Penalty: \$400.

*[By-law 10B inserted in Gazette 10 Oct 2008 p. 4540-1.]*

**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: \$600.

**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: \$400.

**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: \$500.

**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 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.

Penalty: \$400.

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

Penalty: \$400.

*[By-law 13A inserted in Gazette 10 Oct 2008 p. 4541.]*

**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.

**bl. 14**

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**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: \$1 000.

**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: \$200.

**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: \$200.

**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: \$400.

**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: \$300.

- (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: \$300.

**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.

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

**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: \$1 000.

**bl. 21**

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**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: \$1 000.

**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: \$300.

**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: \$1 000.



## 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.
- (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.

### 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.
- (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.

### 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: \$400.

**bl. 26A**

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**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: \$400.

*[By-law 26A inserted in Gazette 9 Dec 1997 p. 7169.]*

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

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

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

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## 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

**bl. 36A**

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(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.

- (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.

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

Penalty: \$1 000.

*[By-law 36A inserted in Gazette 10 Oct 2008 p. 4541-2.]*

**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.

*[By-law 36B inserted in Gazette 10 Oct 2008 p. 4542.]*

**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.

- (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.

**bl. 37**

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**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.

**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
- (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.

- (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-bylaw (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.

**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: \$500.

**bl. 40**

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**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-by-law (1) commits an offence.  
Penalty: \$500.

**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: \$400.

**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-bylaw (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.

**bl. 42B**

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- (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;
  - (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.

*[By-law 42B inserted in Gazette 21 Sep 2004 p. 4105.]*

## **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: \$400.

**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: \$400.

**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: \$400.

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

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## Schedule 1

### Prescribed offences for the purposes of section 13B

By-law	Brief description of offence	Modified penalty
		\$
9	Entering or remaining in the public market without permission .....	25
11	Littering .....	25
12	Conducting, organizing or taking part in an assembly or meeting in the public market without permission .....	50
13	Smoking in a non-smoking area .....	100
14	Behaving in a disorderly manner .....	100
15	Writing or distributing obscene material .....	20
16	Bill posting or writing on a building without permission ...	20
17	Bringing, keeping or consuming any alcoholic beverage or remaining in the public market when intoxicated .....	20
18	Obstructing roads or footways .....	100
19	Bringing an animal into the public market .....	20
20	Interfering with or damaging Authority's property .....	20
22	Littering roads adjacent to premises, failing to provide receptacles for rubbish or keep receptacles in good repair, placing liquid refuse in receptacle .....	25
24	Soliciting outside own premises or those of employer .....	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 .....	20
Part 5	Offences in which the driving, standing or parking of a vehicle is an element .....	50
42B	Offences related to the driving or operating of forklifts .....	50

*[Schedule 1 amended in Gazette 27 Nov 1992 p. 5737; 5 Mar 1993 p. 1431; 21 Sep 2004 p. 4105-6.]*

**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 lettuce	Not less than 5 of the produce

	<b>Fruit</b>	<b>Vegetable</b>	<b>Amount</b>
10.	pineapples melons (except watermelon)	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.]*

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## Notes

<sup>1</sup> This reprint is a compilation as at 5 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 Perth Market By-laws 1990 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 Perth Market By-laws 1990 as at 6 Feb 2009</b> (includes amendments listed above)		

<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).

## Defined Terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
authorised person .....	3(1)
central trading area.....	3(1)
certificate of condemnation.....	3(1)
common area .....	3(1)
fish .....	3(3)
forklift .....	3(1)
form.....	3(1)
inspector .....	3(1)
manager .....	3(1)
no parking area.....	33
no standing area .....	33
occupier.....	3(1)
park .....	33
stand .....	33
the public market.....	3(1)
written agreement.....	3(1)