

WESTERN AUSTRALIA

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# METROPOLITAN MARKET AMENDMENT ACT

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No. 29 of 1987

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**AN ACT to amend the *Metropolitan Market Act 1926*.**

[Assented to 29 June 1987]

**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:—

## **Short title**

**1.** This Act may be cited as the *Metropolitan Market Amendment Act 1987*.

### Commencement

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

### Principal Act

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

[\*Reprinted as approved 24 July 1975 and amended by Acts Nos. 25 of 1977, 77 of 1981, 64 of 1984 and 98 of 1985.]

### Section 3 amended

4. Section 3 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection—

“ (1a) The Trust shall consist of 7 members appointed by the Minister of whom—

- (a) one shall be a person who in the opinion of the Minister has a knowledge of the affairs and interests of persons who carry on the business of buying general produce for the purpose of resale;
- (b) one shall be a person who in the opinion of the Minister has a knowledge of the affairs and interests of agents;
- (c) one shall be a person who in the opinion of the Minister has a knowledge of the affairs and interests of persons by whom or on whose behalf general produce is grown or produced for sale; and
- (d) one shall be a person who in the opinion of the Minister has a knowledge of the affairs and interests of consumers of general produce. ”;

(b) in subsection (2) by deleting—

- (i) the passage commencing with “The Trust” and ending with “of such nomination.”; and
- (ii) the passage commencing with “The nomination” and ending with “the Council.”; and

- (c) by repealing subsection (3) and substituting the following subsection—

“ (3) The Minister shall appoint a member, not being a member referred to in subsection (1a) (a), (b), (c) or (d), to be chairman of the Trust. ”.

### **Section 4 repealed and a section substituted**

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 Section 4 of the principal Act is repealed and the following section is substituted—

#### **Term of office**

- “ 4. Each member of the Trust shall, subject to this Act, hold office for a term of 3 years, and, at the expiration of his term of office, shall be eligible for re-appointment. ”.

### **Sections 5 and 6 amended**

6. Sections 5 and 6 of the principal Act are amended by deleting “Governor” wherever it occurs and substituting in each case the following—

“ Minister ”.

### **Section 7 amended**

7. Section 7 of the principal Act is amended—

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

“ Minister ”; and

- (b) in paragraph (d) by inserting after “Trust,” the following—

“ other than a lease or a tenancy agreement ”.

### **Section 8 amended**

8. Section 8 of the principal Act is amended by deleting “may be fixed by the Governor” and substituting the following—

“ the Minister from time to time determines on the recommendation of the Public Service Board ”.

**Section 9 repealed and a section substituted**

**9.** Section 9 of the principal Act is repealed and the following section is substituted—

**Meetings of Trust**

“ 9. (1) Subject to subsection (2) at all meetings of the Trust, 4 of the members shall form a quorum, and the decision of a majority of the members present regarding any matter shall be deemed to be the decision of the Trust.

(2) The chairman of the Trust shall, in the event of an equality of votes, have, in addition to a deliberative vote, a second or casting vote. ”.

**Section 10 amended**

**10.** Section 10 of the principal Act is amended by deleting “secretary” and substituting the following—

“ manager ”.

**Section 11 amended**

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

(a) in subsection (2) (e) by deleting “Perth City Council” and substituting the following—

“ council of the appropriate municipality ”;

(b) in subsection (4) by deleting “Perth City Council” and substituting the following—

“ council of the appropriate municipality ”;

and

(c) after subsection (5) by inserting the following subsection—

“ (6) For the purposes of this section “municipality” has the meaning assigned to that term under the *Local Government Act 1960*. ”.

**Section 11A amended**

**12.** Section 11A of the principal Act is amended in subsection (5) by deleting "Secretary" and substituting the following—

“ Manager ”.

**Transitional**

**13.** (1) Every person, other than the person nominated by the Perth City Council, who holds office as a member of the Trust immediately before the coming into operation of this Act shall continue to hold office until the expiry of his term, subject to the principal Act as amended by this Act, and shall be eligible for re-appointment.

(2) Notwithstanding the repeal and re-enactment of section 3 (3) of the principal Act by section 4 of this Act the member holding office as the chairman of the Trust immediately before the coming into operation of this Act shall continue to hold office as such, subject to the principal Act and the terms of his appointment.

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