

# METROPOLITAN MARKET.

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No. 64 of 1984.

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AN ACT to amend the Metropolitan Market Act 1926.

[Assented to 5 November 1984.]

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 1984*.

Short title  
and principal  
Act.

(2) 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 and  
77 of 1981.

Sections 11A  
and 11B  
inserted.

2. The principal Act is amended by inserting after section 11 the following sections—

Trust may  
determine  
market  
times.

“ 11A. (1) The Trust may by notices erected in such places in the public market and in such other manner as it may determine indicate the periods during which, to whom, and the purposes for which, the public market is open for business and the produce that may be traded during those periods.

(2) A notice referred to in subsection (1) may distinguish between persons or classes of persons, produce or kinds of produce and purposes or classes of purposes as the Trust thinks fit.

(3) A person who, without the permission of the Trust, contravenes any provision of a notice referred to in this section commits an offence.

Penalty: \$400.

(4) Any permission granted by the Trust for the purposes of subsection (3) may be varied or revoked by the Trust.

(5) For the purposes of any proceedings or prosecution for an offence against subsection (3) a certificate signed or purporting to be signed by the Secretary of the Trust or any person authorized by the Trust in that behalf which states that on any date or during any period—

(a) the public market was open; or

(b) the public market was not open,

to the person, for the purpose or for trading in the produce, as the case requires, specified in the certificate is evidence of that fact.

11B. The Trust may, either generally or as otherwise provided by the instrument of delegation, in writing, delegate to any officer or servant of the Trust the power to grant permission for the purposes of section 11A (3). Delegation.

3. Section 13 of the principal Act is amended in subsection (1)— Section 13 amended.

(a) by inserting after paragraph (4h) the following paragraph—

“ (4i) Prescribing offences for the purposes of sections 13A to 13C by setting out the offences or by reference to the provisions contravention of which constitutes the offences, and, in respect of each such offence, prescribing the penalty, or different penalties according to the circumstances by which the offence is attended, applicable if the offence is dealt with under that section but so that no such penalty exceeds \$200. ”;

and

(b) by deleting “, when, ” in paragraph (7).

4. The principal Act is amended by inserting after section 13 the following sections— Sections 13A, 13B and 13C inserted.

“ 13A. In sections 13B and 13C— Interpretation.

“alleged offender” means a person to whom an infringement has been issued pursuant to sections 13B and 13C;

“authorized person” means a person authorized under section 13C to give infringement notices;

“infringement notice” means notice given under section 13B (1).

Infringe-  
ment notice.

13B. (1) Where an authorized person has reason to believe that a person has committed any such offence against this Act or any by-law made under this Act as is prescribed for the purposes of this section, not being an offence against a by-law made with respect to the regulation of vehicular and pedestrian traffic or with respect to the parking and standing of vehicles, the authorized person may, at or about the time the offence is believed to have been committed, personally give to that person a notice in the prescribed form informing the person that if he does not wish to have a complaint of the alleged offence heard and determined by a court, he may pay to a person specified in the notice within the time therein specified, the amount of the penalty prescribed for the offence if dealt with under this section.

(2) A person given an infringement notice under this section may decline to be dealt with under this section and, if the prescribed penalty is not paid within the time specified in the notice or within such further time as may, in any particular case, be allowed, he is deemed to have declined to be dealt with under this section.

(3) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 28 days after the giving of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed person, to the alleged offender advising the alleged offender that the infringement notice has been withdrawn, and, in that event the amount of any prescribed penalty that has been paid shall be refunded.

(4) Where a prescribed penalty has been paid pursuant to an infringement notice and the notice has not been withdrawn as provided by subsection (3) proceedings shall not be brought against any person with respect to the offence alleged in the notice.

(5) The amount of any prescribed penalty paid pursuant to an infringement notice shall, subject to subsection (3), be dealt with as if it were a penalty imposed summarily under the provisions of the Justices Act 1902.

13C. (1) An employee of the Trust may be authorized by the Trust in writing signed by the Chairman of the Trust to give infringement notices. Authorized persons.

(2) The Trust shall issue to each authorized person a certificate in the prescribed form which he shall produce whenever required to do so by a person to whom he has given, or is about to give, an infringement notice. ”.

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