

No. 24 of 1976

AN ORDINANCE

To amend the *Canberra Retail Market Trust Ordinance 1971-1974*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this fourth day of June, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

CANBERRA RETAIL MARKETS ORDINANCE 1976

1. (1) This Ordinance may be cited as the *Canberra Retail Markets Ordinance 1976*.^{*} Short title and citation.

(2) The *Canberra Retail Market Trust Ordinance 1971-1974*[†] is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Canberra Retail Markets Ordinance 1971-1976*.

2. Section 3 of the Principal Ordinance is repealed. Repeal.

3. Section 4 of the Principal Ordinance is repealed and the following section substituted:—

“ 4. In this Ordinance, unless the contrary intention appears— Definitions.

‘Belconnen Retail Market’ means the land comprising sections 8 and 9 and blocks 1 to 4, inclusive, of section 10, Division of Belconnen, Canberra City District and the buildings and other structures and improvements on that land;

‘Chairman’ means the Chairman of the Trust;

‘Fyshwick Retail Market’ means the land comprising blocks 1 and 2 of section 7, Division of Fyshwick, Canberra City District and the buildings and other structures and improvements on that land;

^{*} Notified in the *Australian Government Gazette* on 10 June 1976.

[†] Ordinance No. 29, 1971, as amended by No. 30, 1972; No. 6, 1973; and No. 22, 1974.

'Legislative Assembly' means the Australian Capital Territory Legislative Assembly constituted by the *Legislative Assembly Ordinance 1936-1974*;

'licence' means a licence under section 28;

'licensee' means the holder of a licence;

'Market' means—

- (a) the Belconnen Retail Market;
- (b) the Fyshwick Retail Market; or
- (c) land declared by the Minister, by notice published in the *Gazette*, to be a Market for the purposes of this Ordinance and the buildings and other structures and improvements (if any) on that land;

'permit' means a permit under section 29;

'prescribed goods' means—

- (a) goods, or goods included in a class of goods, specified in the First Schedule; and
- (b) such other goods as are specified in the regulations or included in a class of goods specified in the regulations;

'Trust' means the Canberra Retail Markets Trust;

'trustee' means a member of the Trust and includes the Chairman and an acting trustee.”.

4. Section 16 of the Principal Ordinance is repealed and the following section substituted:—

Functions
of Trust.

“ 16. The functions of the Trust are—

- (a) subject to this Ordinance and, while the Trust has the right referred to in sub-section 18 (1), subject to any conditions imposed under that sub-section, to occupy each Market and to manage and control it as a public market for the sale by retail of prescribed goods; and
- (b) to control, within each Market, the activities of persons to whom licences or permits are granted.”.

Powers of
Trust.

5. Section 17 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section:—

“(2) Without limiting the generality of sub-section (1), the powers of the Trust include power—

- (a) to erect buildings on land under its control;
- (b) to employ, on such terms and conditions as are determined by the Trust, such persons as are necessary for the efficient management and control of a Market;
- (c) to determine the days of the week on which a Market shall be open for business and the hours on each of those days during which it shall be open for business;
- (d) to determine the conditions subject to which licences to sell prescribed goods and permits to provide services and to sell goods in a Market may be granted;

- (e) to grant licences to sell prescribed goods at a Market; and
- (f) to grant permits authorizing the holders, in a Market, to provide services for, and to sell goods to, members of the public and licensees.”.

6. Section 18 of the Principal Ordinance is repealed and the following section substituted:—

“ 18. (1) The Minister shall, on behalf of Australia and subject to the acceptance by the Trust of such conditions (including conditions as to the maintenance of a Market) as the Minister thinks necessary, grant to the Trust, by writing under his hand, the right to occupy and use a Market for the purposes of the performance of its functions under this Ordinance. Right to occupy and use a Market.

“ (2) The Trust ceases to have a right conferred by a grant under sub-section (1) if and when the land comprising the Market becomes the land comprised in a lease granted by Australia to the Trust under a law in force in the Territory.”.

7. Section 28 of the Principal Ordinance is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:— Licences.

“ (a) shall authorize the person to whom it is granted to occupy a specified stall in the Market referred to in the licence on each of the days during which the Market is open for business in the week commencing on a day specified in the licence;

“ (b) shall authorize the person to whom it is granted to sell at the stall specified in the licence goods included in a class of goods specified in the licence, being prescribed goods, during the hours when the Market is open for business on each of those days; and ”.

8. Sections 36 and 37 of the Principal Ordinance are repealed and the following sections substituted:—

“ 36. (1) Notwithstanding anything contained in the *Hawkers Ordinance* 1936-1974 or in a licence issued under that Ordinance, a person shall not, in the course of carrying on his business as a licensed hawker within the meaning of that Ordinance— Provisions applicable to hawkers.

(a) sell prescribed goods; or

(b) leave standing a vehicle on which prescribed goods are being carried for sale,

within the area surrounding a Market.

Penalty: \$200.

“ (2) For the purposes of sub-section (1), ‘the area surrounding a Market’ means the shaded portion of the area of land shown on the plan of the Market in the Second Schedule.

“ (3) Where, by notice published in the *Gazette*, the Minister declares land to be a Market for the purposes of this Ordinance, the Minister may, by that notice, amend the Second Schedule by adding a plan of the Market drawn to scale.

Application
of Motor
Traffic
Ordinance.

“ 37. Notwithstanding that—

- (a) the Trust has the right to occupy and use a Market under sub-section 18 (1); or
- (b) the land comprising a Market becomes the land comprised in a lease granted by Australia to the Trust,
the *Motor Traffic Ordinance* 1936-1974 (other than sub-section 109 (6) of that Ordinance) applies—
- (c) to and in relation to a carriageway in a Market that is available for use by the public, by licensees and by the holders of permits as if the carriageway were a public street within the meaning of that Ordinance; and
- (d) to and in relation to—
 - (i) an area of land within a Market that is available for use by the public for the parking of motor vehicles; and
 - (ii) the entrances to, and the exits from, such an area, as if it were an off-street parking area and a public place within the meaning of that Ordinance.”

Further
amend-
ments.

9. The Principal Ordinance is further amended as set out in the following table:—

Provision amended	Omit—	Substitute—
Title	Canberra Retail Market Trust the Canberra Retail Market	Canberra Retail Markets Trust Canberra Retail Markets
Sub-section 5 (1)	Canberra Retail Market Trust	Canberra Retail Markets Trust
Sub-section 7 (2)	an elected member of the Advisory Council	a member of the Legislative Assembly
Sub-section 7 (3)	Advisory Council Department of the Interior	Legislative Assembly Department of the Capital Territory
Sub-section 9 (1)	Department of the Interior	Department of the Capital Territory
Sub-section 9 (2)	Department of the Interior	Department of the Capital Territory
Sub-section 12 (3)	an elected member of the Advisory Council	a member of the Legislative Assembly
Sub-section 12 (4)	Advisory Council Department of the Interior	Legislative Assembly Department of the Capital Territory
Sub-section 15 (5)	Department of the Interior	Department of the Capital Territory
Section 25	the Canberra Retail Market	a Market
Paragraph 29 (a)	the Canberra Retail Market	a Market
Section 30	the Canberra Retail Market	a Market
Sub-section 32 (1)	the Canberra Retail Market	a Market
Sub-section 33 (1)	the Canberra Retail Market	a Market
Sub-section 34 (1)	the Canberra Retail Market	a Market
Section 35	the Canberra Retail Market	a Market
Paragraph 35A (1) (a) ..	the Canberra Retail Market	a Market
Sub-section 35A (3)	the Canberra Retail Market	a Market
Sub-section 35A (5)	the Canberra Retail Market	a Market

10. The First Schedule to the Principal Ordinance is amended by inserting after the word "delicatessen" the words "or as 'take-away' foods". First Schedule.

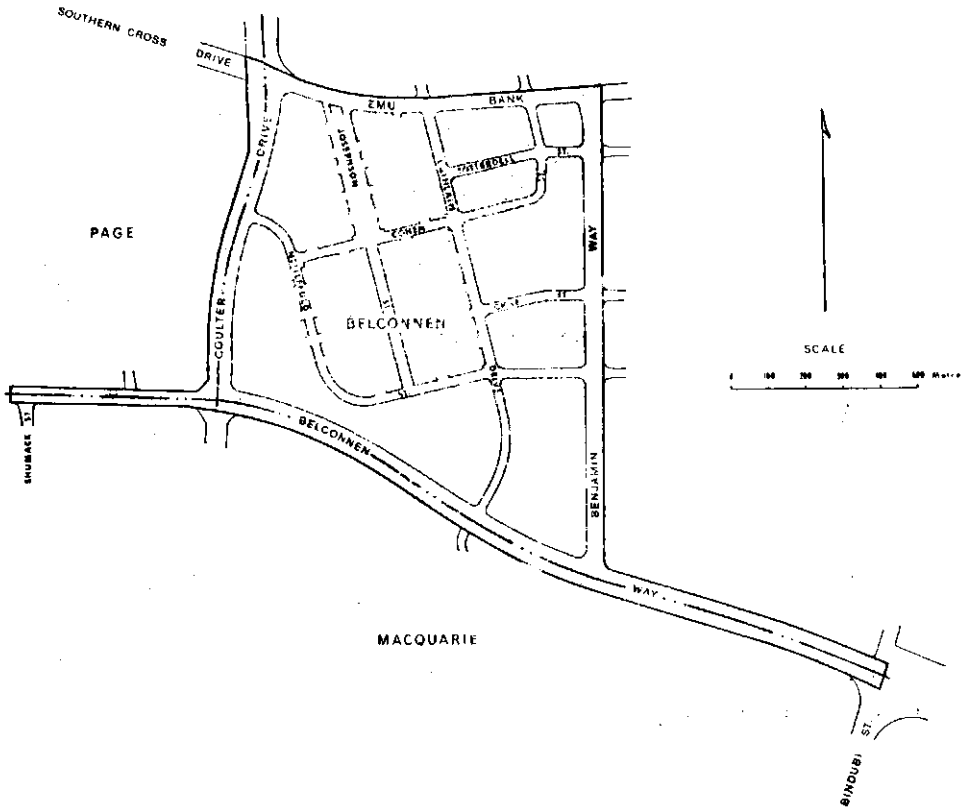
11. The Second Schedule to the Principal Ordinance is repealed and the following Schedule substituted:— Second Schedule.

SECOND SCHEDULE

Section 36

PART I

AREA SURROUNDING THE BELCONNEN RETAIL MARKET



SECOND SCHEDULE—continued

PART II

AREA SURROUNDING THE FYSHWICK RETAIL MARKET

