

No. 30 of 1972

AN ORDINANCE

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

I THE GOVERNOR-GENERAL in and over 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 1910-1972*.

Dated this twenty-fourth day of August, 1972.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

CANBERRA RETAIL MARKET TRUST ORDINANCE 1972

1.—(1.) This Ordinance may be cited as the *Canberra Retail Market Trust Ordinance 1972*.^{*} Short title and citation.

(2.) The *Canberra Retail Market Trust Ordinance 1971*,[†] as amended by this Ordinance, may be cited as the *Canberra Retail Market Trust Ordinance 1971-1972*.

2. After section 35 of the *Canberra Retail Market Trust Ordinance 1971* the following section is inserted:—

“ 35A.—(1.) Where—

- (a) a person has occupied a stall in the Canberra Retail Market on the days during which the Market is open for business in not less than four successive weeks; and
- (b) an application by that person for a licence to occupy a stall at the Market on the days during which the Market is open for business in the week following the last of those successive weeks is refused by the Trust,

Appeals against refusal to grant Licences.

the Trust shall, when refusing the application, state in writing the reasons for refusing to grant the application.

“ (2.) Where an application referred to in the last preceding subsection is refused by the Trust, the applicant may, within forty-eight hours after the application is refused, give notice to the Trust that he proposes to appeal to the Court of Petty Sessions against the refusal of the Trust to grant to him a licence.

^{*} Notified in the *Commonwealth Gazette* on 31 August 1972.
[†] Ordinance No. 29, 1971.

“(3.) Where a notice is given in accordance with the last preceding sub-section, the person by whom the notice is given shall be deemed, subject to the next succeeding sub-section, to be a person to whom the Trust has granted a licence to occupy a stall in the Canberra Retail Market, being the stall specified in the licence issued to that person on the last occasion before his application was refused, on each of the days during which the Market is open for business in each week after the date on which the application was refused until the appeal to the Court of Petty Sessions is determined.

“(4.) The last preceding sub-section ceases to apply to or in relation to a person whose application for a licence has been refused if that person does not within seven days after the date on which he gives notice to the Trust, appeal to the Court of Petty Sessions against the refusal of the Trust to grant the application by him.

“(5.) Where an appeal is lodged in accordance with the last preceding sub-section, the Court of Petty Sessions shall hear the appeal and, if it is satisfied that the refusal to grant the application was, in the circumstances, unreasonable, the Court shall uphold the appeal and direct the Trust to grant to the appellant a licence to occupy a stall in the Canberra Retail Market on each of the days on which the Market is open for business in the week commencing on the Monday next following the date on which the Court makes its direction, but, if not so satisfied, the Court shall dismiss the appeal.

“(6.) The Trust shall comply with a direction given under the last preceding sub-section by the Court of Petty Sessions.”.