



Victoria

MELBOURNE MARKET AUTHORITY

BY-LAWS 2002

MELBOURNE MARKET AUTHORITY ACT 1977

MELBOURNE MARKET AUTHORITY BY-LAWS 2002

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MELBOURNE MARKET AUTHORITY BY-LAWS 2002

Melbourne Market Authority makes the following By-Laws.

Dated: 23rd July 2002.

The Common Seal of the Melbourne Market Authority was affixed in the presence of:

..... CHIEF EXECUTIVE/SECRETARY

..... MEMBER

1. Citation

These By-Laws may be cited as the Melbourne Market Authority By-Laws 2002.

2. Authorising Provision

These By-Laws are made under Section 38 and 38(A) of the Melbourne Market Authority Act 1977.

3. Revocation of Previous By-Laws

The Melbourne Market Authority Principal By-Laws 1997 are revoked on 31st July 2002.

4. Commencement

These By-Laws come into operation on 1st August 2002.

5. Objectives

The objectives of these by-laws are to:

- 5.1 regulate entry to the market land;
- 5.2 regulate, control and prescribe conditions on use of the market land;
- 5.3 prescribe times during which trading or other activities may take place in the market land or parts of it;
- 5.4 prescribe times during which persons may be present in the market land or parts of it including the occupation of stands and stores within the market land;
- 5.5 regulate the activities and behaviour of persons generally in the market land or any other matter relating to the market land;
- 5.6 prescribe matters relating to infringement notices.

6. Definitions

In these By-Laws, unless the context otherwise requires:

“**access card**” means a card issued to a person by the authority after that person has complied with the requirements set by the authority from time to time authorising that person to enter the market land;

“**Act**” means the Melbourne Market Authority Act 1977, as amended or re-enacted from time to time;

“**authorised repairer**” means a person that has been granted a permit by the authority to enter market land to undertake repairs on powered industrial trucks;

“**authorised officer**” means a member, chief executive officer, or an employee of the authority, a member of the Victoria Police, and any other person authorised in writing to act as an authorised officer by the chief executive officer;

“**authorised vehicle**” means a vehicle which the authority has permitted to enter the market land;

“**authority**” means the Melbourne Market Authority established under the Act;

“**buyer**” means a person who buys produce, flowers or other goods as authorised by the authority from a seller or a general trader;

“**by-laws**” means these by-laws as amended or re-enacted from time to time in accordance with the Act;

“**chief executive officer**” means the chief executive officer of the authority;

“**dangerous goods**” has the same meaning as in the Dangerous Goods Act 1995 and includes substances and articles that are likely to cause injury to any person or damage to any property;

“**designated pathway**” means that part of the market land that has been specifically designated and marked by traffic signs for the use only of powered industrial trucks;

“designated pedestrian crossings” means that part of the market land that has been specifically designated and marked by traffic signs as a crossing for pedestrians only;

“designated pedestrian walkways” means that part of the market land that has been specifically designated and marked by traffic signs for use by pedestrians only;

“direction” means an instruction given orally or in writing by the authority or an authorised officer of the authority which is reasonably necessary to achieve the objects, functions or objectives of the authority pursuant to the Act or these by-laws;

“early buyer” means a person who has been granted a permit to buy at times as specified by the authority other than the prescribed trading hours of the market;

“employer” means a tenant, seller, general trader and unloading agency;

“equipment” means pallets or any other similar containers used by tenants, general traders, sellers and buyers at the Melbourne Market for the storage and transportation of produce, flower and goods;

“flowers” means flowers (excluding dried flowers), plants, nursery items, and any other product approved by the authority from time to time;

“general trader” means a person to whom the authority has granted a lease or licence to occupy premises to conduct a business other than for the sale of produce and flowers;

“goods” means merchandise, property or equipment that a tenant:

- (a) offers for sale or hire or sells or hires; or
- (b) uses in the conduct of his business;

“impairment” has the same meaning as defined in the Equal Opportunity Act 1995;

“infringement notice” means a notice in the form attached to these by-laws and as described in Schedule 1;

“lease” means a lease of part of the market land granted by the authority in writing to a person;

“licence” means a licence to occupy part of the market land granted by the authority in writing to a person;

“licensee” means a person who is a licensee under a licence;

“market hours” means the trading hours of the Melbourne Market as prescribed in writing by the authority or chief executive officer from time to time;

“market land” means the land as defined in the Act;

“member” means a member of the authority appointed under the Act and includes the chairperson;

“national flower centre” means the National Flower Centre being part of the market land as indicated on the plan in Schedule 2 for the purposes of identification only;

“parking space” means any part of the market land that has been designated or marked by the authority for the parking of authorised vehicles from time to time;

“penalty unit” means a penalty unit of \$100.00;

“permit” means a permit issued by the authority from time to time authorising a person to carry out specified activities on market land;

“person” means a natural person, partnership or corporation and includes a person’s employees (if any);

“the plan” means a plan prepared by the authority as detailed in Schedule 2, which shows for the purpose of identification only the appropriate boundaries of the market and the demarcation of specified areas of the market land. The authority may periodically make necessary amendments to the plan;

“powered industrial truck” means an industrial lift truck as defined in the Occupational, Health and Safety (Plant) Regulation 1995 and includes motorised scooters;

“**premises**” means that part of the market land that is leased or licensed to a person other than a “store” or “stand”;

“**produce**” means fruit and vegetables and all other products which are approved for sale on market land by the authority from time to time, but excludes flowers;

“**produce delivery vehicle**” means a vehicle which delivers produce or flowers to the market land, but excludes a vehicle owned by a seller who transports produce or flowers to the market land for sale by that seller;

“**rubbish**” means discarded produce, flowers, litter, refuse, waste material or discarded items of any kind or description;

“**schedule**” means the Schedules or Schedule attached to these by-laws;

“**second-hand polystyrene boxes**” means second-hand polystyrene boxes that have not been reconditioned in accordance with a Compliance Agreement under the Plant, Health and Plant Products Act 1985;

“**seller**” means a person authorised by the authority to sell produce, flowers or any other products as approved by the authority from time to time;

“**services**” means any other business or other commercial transactions conducted on the market land other than the sale of produce or flowers;

“**stand**” means an open area, floor or any other area of the market land set aside by the authority for the sale of produce, flowers or for such other purpose as approved by the authority from time to time;

“**store**” means an enclosed space of one or more storeys in the market land set aside as a store or module for the wholesale sale of produce or such other purpose as approved by the authority from time to time;

“**tenant**” means a person who is a tenant under a lease granted by the authority;

“**trading area**” means the stores and stands and any other part of the market land set aside by the authority for the sale of produce, flowers or any other goods as authorised by the authority from time to time;

“**traffic sign**” means any object or device (whether fixed or portable) which reasonably conveys to traffic or any specified class of traffic, warnings, information, requirements, instructions or prohibitions of any description or any line or mark on market land for so conveying such warnings, information, requirements, instructions or prohibitions;

“**unloaders bay**” means any space in the market land set aside by the authority for the unloading of produce delivery vehicles;

“**unloading agency**” means a person who has been granted a licence in writing by the authority to operate an unloading service for market users on the market land;

“**vehicle**” means any motorised vehicle, or device for the carriage of persons or things and includes a trailer.

7. Access Cards

7.1 A person must not enter the market land unless that person holds either a valid access card issued by the authority, or has written authorisation from the authority or the chief executive officer to enter the market land.

7.2 The authority may issue, suspend, or cancel access cards or any other written authorisation given by it, in its absolute and sole discretion.

7.3 A person on market land must, if so requested by an authorised officer at any time, produce his/her access card or written authorisation, failing which, that person must leave the market land immediately as directed by the authorised officer.

7.4 A person must at the request of an authorised officer produce his/her access card, or written authorisation to the authorised officer within the time specified by the

authorised officer or as prescribed in writing by the authority or chief executive officer from time to time.

- 7.5 A person must not use his/her access card to permit another person entry into and exit from the market land, and a person must not transfer his/her access card, or allow any other person to use his/her access card.
- 7.6 A person must not use his/her access card to allow entry into or exit from the market land to a person that has not been issued with an access card by the authority or who has not obtained written authorisation from the authority or chief executive officer.
- 7.7 An employer must not employ a person, who has not been issued with an access card or has written authorisation from the authority or chief executive to be on market land.

8. Market Hours - Entry and Exit

- 8.1 A person must not enter or be in any part of the market land except at times as prescribed in writing by the authority or chief executive officer from time to time.
- 8.2 A person under the age of 16 years must not enter or remain in the market land except with the written permission of the authority or chief executive officer.
- 8.3 A person must not enter or exit or attempt to enter or exit the market land or any building on the market land other than by designated and marked entrances or exits for pedestrians or vehicles.

9. Trading of Produce and Flowers

A person must not buy or sell produce, flowers or any other goods except at the times prescribed in writing by the authority or chief executive officer from time to time.

10. Conduct on the Market Land

- 10.1 A person entering the market land must:
 - 10.1.1 act in accordance with the by-laws
 - 10.1.2 not bring on the market land any dangerous goods except with the prior written approval of the authority;
 - 10.1.3 not bring into the market land second-hand polystyrene boxes without written permission of the authority;
 - 10.1.4 not bring on the market land any goods and materials except with the prior written approval of the authority;
 - 10.1.5 at all times on market land wear a day/night safety vest that complies with Australian Standards AS/NZS 1906.2 and 4602.
- 10.2 A person within the market land must not:
 - 10.2.1 use any threatening, abusive or offensive language;
 - 10.2.2 behave in a riotous, dangerous, disorderly, indecent or offensive manner;

- 10.2.3 deface or defile in any manner whatsoever any building on the market land, vehicle or any other thing of any description or kind;
- 10.2.4 molest or willfully interfere with any other person;
- 10.2.5 gamble or carry on any other illegal activity;
- 10.2.6 obstruct another person or vehicle;
- 10.2.7 spit, or urinate or defecate, except in the toilet facilities provided;
- 10.2.8 hawk any service, produce or merchandise;
- 10.2.9 interfere with the entry and exit doors on any building on the market land;
- 10.2.10 damage, move or interfere with the property of the authority, including machinery, equipment, pipes, fire hoses measuring or weighing devices;
- 10.2.11 use any property of the authority except for the purpose for which it was provided;
- 10.2.12 bring into and deposit or leave in any part of the market land any rubbish;
- 10.2.13 deposit any rubbish in receptacles provided by the authority for this purpose except rubbish generated in the market land, and deposited by tenants or their employees;
- 10.2.14 cause, place or sweep any dirt or rubbish in a drain, gutter or road or footpath on market land;
- 10.2.15 have in his/her possession second-hand polystyrene boxes;
- 10.2.16 collect and/or remove any rubbish or any other item from rubbish receptacles and the market floor.

10.3 A person must not without the written approval of the authority:

- 10.3.1 solicit money or any other thing;
- 10.3.2 sell goods other than produce or flowers;
- 10.3.3 conduct an auction;
- 10.3.4 exhibit or distribute any notice, pamphlet, or other written material;
- 10.3.5 write, draw or affix any representation, character or sign on any part of the market land or any building on the market land;
- 10.3.6 use any amplified sound reproduction that causes annoyance or disturbance to any person in the market land;
- 10.3.7 clean, service, maintain or repair a vehicle on market land; or
- 10.3.8 bring into the market land any animal.

- 10.4 By-law 10.3.8 does not apply to a guide dog accompanying a person with a visual, hearing or mobility impairment.
- 10.5 A person must not remove, damage, or interfere with any entry or exit control barrier or other barrier, whether movable or immovable, or any sign, notice, equipment or other property of any kind or description belonging to the authority.
- 10.6 A person who is reasonably suspected of contravening or attempting to contravene any of these by-laws shall give his name and current address together with proof of name and address:
- 10.6.1 to the authority or any authorised officer when requested to do so; or
 - 10.6.2 in the time and manner prescribed by any form served on him requesting him to do so by the authority or any authorised person.
- 10.7 A person must not:
- 10.7.1 enter or remain in the market land whilst drunk or under the influence of drugs;
 - 10.7.2 bring into or sell intoxicating liquor from the market land without first obtaining the written approval of the authority, and complying with all relevant statutory requirements;
 - 10.7.3 consume intoxicating liquor on any part of the market land without first obtaining the written approval of the authority and complying with all relevant statutory requirements.
- 10.8 A person within the Market land who transfers possession of equipment not owned by that person to any person other than the owner, may do so only with the consent of, and in accordance with the requirements of the owner. The transferor must obtain from the transferee acknowledgment in accordance with the owner's requirement, that the transferee accepts possession of, and assumes all obligations of the transfer to the owner of the equipment.

11. Use of stores, stands and premises

- 11.1 A person must not accept or use a store, stand or premises unless that person holds a valid lease or licence or permit issued by the authority and has paid the prescribed fee as set by the authority from time to time.
- 11.2 A person occupying a store or stand in accordance with by-law 11.1 may only sell produce or flowers from within the boundaries of that store and stand.
- 11.3 No citrus fruit, except lemons, may be sold from a stand except with the written approval of the authority.
- 11.4 A person must not:
- 11.4.1 sell produce or flowers except from an area of the market land set aside by the authority from time to time for the sale of produce and flowers;
 - 11.4.2 undertake structural, electrical or plumbing works within the store, stand or premises without the prior written approval of the authority;
 - 11.4.3 deposit or abandon any produce or flowers on any part of the market land;

- 11.4.4 place in a store, stand or premises any produce, flowers or any other goods other than in accordance with the height as prescribed in writing by the authority from time to time, or in accordance with prescribed legislative and safety requirements from time to time;
 - 11.4.5 undertake repairs on powered industrial trucks unless that person is an authorised repairer.
- 11.5 A person must, at the close of business on each trading day, sweep the entire area of the store, stand or premises completely free of rubbish and deposit the rubbish in the rubbish receptacles provided by the authority on market land.

12. General Trader

A general trader must not at any time:

- 12.1 locate, place or put any goods outside the premises unless authorised in writing by the authority; or
- 12.2 deliver any goods outside the premises to any part of the market land.

13. Control of Vehicles

- 13.1 A person must not operate a powered industrial truck on the market land unless that person:
- 13.1.1 registers the powered industrial truck with the authority and Vic Roads;
 - 13.1.2 attaches to the powered industrial truck in a position prescribed by the authority, a permit sticker issued by the authority;
 - 13.1.3 displays a current permit sticker;
 - 13.1.4 complies with any other requirement or direction as may be prescribed by the authority in writing from time to time;
 - 13.1.5 has been issued with a roadworthy certificate by Vic Roads;
 - 13.1.6 has in his/her possession a driver's licence.
- 13.2 A person in charge of a vehicle and a powered industrial truck must turn off the engine immediately when the vehicle or powered industrial truck is not in motion or when directed by an authorised officer.
- 13.3 A person must not:
- 13.3.1 cause, permit or allow any person other than the driver to be carried on a powered industrial truck, within the market land; or
 - 13.3.2 allow themselves to be carried otherwise than as the driver on a powered industrial truck within the market land;
 - 13.3.3 drive a powered industrial truck, unless that person has in his/her possession a valid and current driver's licence and a certification to drive a powered industrial truck under the Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994;
 - 13.3.4 drive a vehicle or powered industrial truck on market land at a speed exceeding the speed limit as prescribed in writing by the authority from time to time or as prescribed by a sign erected by the authority; or

- 13.3.5 drive a vehicle or powered industrial truck contrary to the direction of travel as indicated by a traffic sign; or
 - 13.3.6 drive a vehicle or powered industrial truck in a dangerous and/or negligent manner;
 - 13.3.7 drive any vehicle or powered industrial truck that does not comply with the lighting or safety requirements as prescribed in writing by the authority from time to time;
 - 13.3.8 ride a bicycle on market land without wearing an approved Australian Standard safety helmet;
 - 13.3.9 drive a two wheeled motorised scooter on market land;
 - 13.3.10 drive or operate a vehicle or powered industrial truck that does not comply with the Occupational Health and Safety (Plant) Regulations 1995, and any other applicable and prescribed legislative requirements;
 - 13.3.11 enter or exit market land by following another vehicle without first activating his/her access card;
 - 13.3.12 enter or exit market land by following another vehicle without paying the prescribed fee as set by the authority from time to time;
 - 13.3.13 drive or leave an unregistered vehicle or powered industrial truck on market land.
- 13.4 A person within the market land must comply with any traffic sign erected by the authority and/or any direction given by the authority or an authorised officer or the chief executive in relation to:
- 13.4.1 preventing obstruction;
 - 13.4.2 regulating the movement of vehicular traffic and pedestrian access;
 - 13.4.3 restricting or regulating the loading and unloading of vehicles;
 - 13.4.4 restricting or regulating the parking of vehicles;
 - 13.4.5 restricting, regulating and prescribing the speed limit of vehicles and powered industrial trucks.
- 13.5 A person in charge of a vehicle and powered industrial truck must not park or leave a vehicle or powered industrial truck or cause or permit it to be left or parked in any part of the market land for any purpose whatsoever other than in a designated and marked parking area unless authorised by the authority or an authorised officer.
- 13.6 Any vehicle or powered industrial truck which is parked or left in the market land in contravention of the by-law 13.5 may be removed by an authorised officer to any part of the market land.
- 13.7 A person must not:
- 13.7.1 within the market land, load or cause or permit to be loaded any vehicle and powered industrial truck in such a manner that the weight, height, distribution, packing or adjustment of the load is such that:
 - (a) any danger is caused or likely to be caused to any person or property within the market land;
 - (b) any obstruction is caused or likely to be caused in any part of the market land (such load being referred to as a dangerous load); or
 - (c) the load does not comply with prescribed legislative and statutory requirements relating to height and weight of the load;
 - 13.7.2 drive or attempt to drive in any part of the market land any vehicle or powered industrial truck carrying a dangerous load;

- 13.7.3 bring into, leave or drive on the market land a vehicle or powered industrial truck that is not registered with the authority and Vic Roads.
- 13.8 A person driving a powered industrial truck between one point and another on market land must enter a designated pathway at the point nearest the commencement of his/her journey and proceed along that designated pathway leaving it only at the point nearest his/her ultimate destination.
- 13.9 A person must not:
- 13.9.1 drive a powered industrial truck on or across a stand, or parking space on the market land;
 - 13.9.2 park or leave unattended a powered industrial truck on the designated pathway or designated pedestrian walkway;
 - 13.9.3 drive a powered industrial truck or vehicle on a designated pedestrian walkway other than at times as prescribed in writing by the authority or chief executive officer from time to time.
- 13.10 By-Law 13.9.2 and 13.9.3 does not apply to a person who drives a powered industrial truck on a stand or parking space for the purpose of picking up or setting down produce upon that stand or parking space.
- 13.11 An unloading agency must not occupy an unloader's bay other than the unloader's bay that has been allocated to it by the authority.

14. Offering Services

A person must not provide or offer to provide any services on the market land, unless that person has first obtained the written consent of the authority, and has paid the prescribed fee to the authority.

15. Directions of authority and authorised officers

The authority or an authorised officer may make or give directions.

16. Compliance with directions of the authority and authorised officers

- 16.1 A person must:
- 16.1.1 comply with any direction of the authority or an authorised officer;
 - 16.1.2 not delay or obstruct an authorised officer who is performing his/her duties under the Act or these by-laws; and
 - 16.1.3 immediately leave the market land if so directed by an authorised officer.

17. By-Law Enforcement - Prosecution

- 17.1 A prosecution for a breach of these by-laws may be commenced directly by way of charge and summons or subsequently to the failure to pay an infringement notice as outlined in by-law 18.2.

- 17.2 A person who contravenes or fails to comply with any by-law is guilty of an offence and is liable on conviction in a court of law to a penalty prescribed by the court not exceeding 20 penalty units plus all reasonable costs incurred by the authority.

18. By-Law Enforcement - Infringement Notices

- 18.1 As an alternative to prosecution under by-law 17, a person who contravenes or fails to comply with any by-law may be served with an infringement notice issued by an authorised officer specifying payment of the fixed penalty set out in the table in Schedule 3 to these by-laws.
- 18.2 A person served with an infringement notice must make payment of the prescribed penalty specified in the infringement notice to the authority within 28 days of its date of issue, failing which the authority may prosecute that person in accordance with by-law 17.
- 18.3 The authority may withdraw an infringement notice within 28 days of its date of issue at its sole and absolute discretion.

MELBOURNE MARKET AUTHORITY BY-LAWS 2002

SCHEDULE 1

BY-LAW 18

INFRINGEMENT NOTICE

To:
(Family Name) (Given Name)

Address:
..... Postcode

You have committed the alleged offence of a specified By-Law on the Market land on the date and at the time and location shown below.

Specified By-Law

Date: Time: Vehicle No.....
Access Card No.....
Driver's Licence No.....

Location:

Further Particulars:

Signature of Authorised Officer:

Date of issue of Notice:

YOU MAY DISPOSE OF THIS MATTER BY EITHER:

1. Paying the fixed penalty for this offence, which is \$ This can be done in person by payment to the Cashier at the Authority Office in the Market concourse or by sending a cheque (payable to the Melbourne Market Authority) to Box 1, 542 Footscray Road, West Melbourne, 3003. This Notice must be forwarded with your payment.

OR

2. You are entitled to disregard this Infringement Notice and defend the prosecution for the alleged offence in court. If payment is not received within 28 days, legal action will be instituted against you and a penalty of not exceeding 20 Penalty Units may be imposed.

Note: One Penalty Unit is \$100.00

MELBOURNE MARKET AUTHORITY BY-LAWS 2002

SCHEDULE 3

Fixed penalties for offences against these by-laws.

Clause	Fixed Penalty
7	two penalty units
8	two penalty units
9	one penalty unit
10.1 (other than 10.1.3)	two penalty units
10.1.3	five penalty units
10.2 (other than 10.2.7, 10.2.10, 10.2.12, 10.2.13, 10.2.15 and 10.2.16)	one penalty unit
10.2.7, 10.2.12, 10.2.13, 10.2.15, 10.2.16	five penalty units
10.2.10	two penalty units
10.3 (other than 10.3.5 and 10.3.7)	one penalty unit
10.3.5, 10.3.7	two penalty units
10.5	two penalty units
10.6, 10.7, 10.8	one penalty unit
11 (other than 11.4.3)	one penalty unit
11.4.3	five penalty units
12	one penalty unit
13.1, 13.2	five penalty units
13.3 (other than 13.3.8 and 13.3.13)	five penalty units
13.3.8	two penalty units
13.3.13	two penalty units
13.4	two penalty units
13.5, 13.7	five penalty units
13.8, 13.9, 13.11	two penalty units
14	two penalty units
15	two penalty units
16	two penalty units
