MARKETS CLAUSES ACT AMENDMENT BILL 1956

House of Assembly, 6 November 1956. page 1412

Second reading

The Hon. T. PLAYFORD, having obtained leave, introduced a Bill for an Act to amend the Markets Clauses Act, 1870-1937. Read a first time.

**The Hon. T. PLAYFORD (Premier and Treasurer)—**I move—

That this Bill be now read a second time.

It makes three amendments to the Markets Clauses Act of 1870-1937. The Markets Clauses Act is a general Act containing provisions applicable to all markets which are now or may hereafter be established by Acts of Parliament. Since the Act was passed, eighty-six years ago, there have, of course, been tremendous alterations in commercial conditions, and great developments in the areas where markets were established. The policy of the Act of 1870 was to dole out powers to market authorities rather sparingly, and the markets which operate under the Act now find themselves labouring under restrictions which are irksome and without justification in modern circumstances. This Bill proposes, therefore, to grant further powers to market authorities.

The first provision deals with the erection of dwelling houses, shops, offices, stores, workshops and other buildings. At present The Markets Clauses Act provides that market authorities may build and maintain market places and stalls, sheds, pens and other buildings and conveniences for the use of persons frequenting the market and for weighing and measuring goods sold in the market and for weighing carts. They have not, however, a general power to erect shops, offices, stores or other commercial or residential premises. Furthermore, there is no general power enabling a market authority to erect buildings on any land which it may acquire subsequent to its inception. In modern conditions it is essential that a market authority, which may own valuable commercial sites, should have a wide discretionary power to erect such buildings as may be appropriate in the circumstances and it is proposed in this Bill to give market authorities a general power of this kind.

The next clause deals with the market days. At present market authorities are entitled to hold markets only on the days specially prescribed by their special Acts or on days fixed by by-laws. There is no general power to hold markets on any day of the week. Owing to the growth of trade it is now desirable that all market authorities should have power to fix any days, other than Christmas Day or Sunday, as days for holding markets and it is proposed by clause 4 to confer power for this purpose.

Clause 5 deals with the powers of market authorities to grant leases, licences and other rights to use and occupy any of their property, whether shops, offices or other buildings, or stalls, stands, benches and space in the market. At present market authorities cannot freely make bargains with their tenants and persons using their markets but are restricted by rates fixed in various ways either by schedules to private Acts or by by-laws. The existing limitations on their powers to fix rents, fees and charges are completely out of line with modern requirements and it is proposed by clause 5 to give any market authority the right to charge such rents and other charges as are agreed between the market authorities and their tenants and persons having stalls or using space in the market.

Mr. O’HALLORAN secured the adjournment of the debate