

NORTHERN TERRITORY OF AUSTRALIA

**WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN)
(STALLHOLDERS) BY-LAWS 1983**

As in force at 16 December 2021

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (STALLHOLDERS) BY-LAWS 1983

By-laws under the *Local Government Act 2019*

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Stallholders) By-laws 1983*.

2 Definitions

In these By-laws, unless the contrary intention appears:

authorized officer means an officer or employee of the Authority authorized for the purpose of these By-laws.

permit means a permit issued under by-law 6 to sell goods from a stall.

public street has the meaning ascribed to it in the *Traffic Act 1987*.

stall means a temporary structure in or on which goods are offered for sale by retail, and includes a tent, vehicle or caravan.

stallholder means a person issued with a permit under by-law 6 to sell goods from a stall.

town area of Jabiru means the area administered by the Authority.

3 Stallholders to obtain permit

A person shall not sell goods from a stall in the town area of Jabiru except in accordance with a permit and these By-laws.

4 Application for permit

- (1) A person may apply to the Council Services Manager for a permit and the application shall state:
 - (a) the name and business address of the applicant;
 - (b) the type of goods which the applicant intends to sell;

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- (c) the proposed location of the stall; and
 - (d) the period for which the permit is required.
- (2) An application under clause (1) shall be accompanied:
- (a) by the fee prescribed by the Authority; and
 - (b) in the case of the first application for a permit, by a certificate signed by 2 reputable inhabitants of the Territory certifying that the applicant is of good character and is a fit and proper person to hold a permit.

5 Grant or refusal to grant permit

The Authority shall consider an application for a permit and may:

- (a) grant the application; or
- (b) refuse to grant the application.

6 Issue of permit

- (1) Where the Authority grants a permit it shall issue the permit in accordance with the form in the Schedule.
- (2) A permit under clause (1) shall be valid for the period, not exceeding 3 years, indicated in the permit.
- (3) A permit under clause (1) may be subject to conditions in relation to:
 - (a) the goods that may be sold from the stall;
 - (b) the days and hours during which goods may be sold;
 - (c) the siting of the stall; and
 - (d) the standards in relation to health or hygiene to be observed by the stallholder.
- (4) A permit is not transferable.

7 Revocation of permit

- (1) Subject to clause (2), the Authority may revoke a permit where the stallholder:
 - (a) has become bankrupt, applied to take the benefit of a law for the relief of bankrupt or insolvent debtors or has compounded with his creditors;

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- (b) has been convicted of an indictable offence;
 - (c) has contravened or failed to comply with a condition of his permit or these By-laws;
 - (d) is conducting his business in such a manner as to cause a nuisance or annoyance to persons in the neighbourhood of the stall; or
 - (e) has purported to assign or transfer his permit or is not personally carrying on the business for which the permit was granted.
- (2) Where under clause (1), the Authority revokes a permit:
- (a) it shall serve on the stallholder a notice that the permit has been revoked and that the revocation takes effect after 14 days from the date of the notice; and
 - (b) the stallholder shall return the permit, and his badge or card under by-law 8, to the Council Services Manager within 30 days of the date of the notice under paragraph (a).

8 Badges or cards

- (1) The Authority shall issue to a stallholder a badge or card for which the stallholder shall pay the sum of \$2.
- (2) A stallholder shall display his badge or card whilst selling goods from his stall.
- (2A) An offence of contravening or failing to comply with a provision of, or a notice under, clause (2) is a regulatory offence.
- (3) A person shall not display a stallholder's badge or card unless he is the holder of a permit.

9 Rules of conduct

- (1) A stallholder whilst offering goods for sale from his stall shall:
 - (a) carry his permit and upon demand by an authorized officer or a member of the Police Force produce it for inspection by the authorized officer or the member;
 - (b) have his name legibly and conspicuously displayed on his stall; and
 - (c) at all times maintain his stall in good order and condition.

(2) A stallholder shall not:

- (a) conduct a stall between the hours of sunset and sunrise the next day, or on a Sunday, Christmas Day or Good Friday without obtaining the consent of the Authority;
- (b) place his stall within a distance of 200 metres of a shop or permanent place of business that has for sale any goods, wares or merchandise of the type offered for sale by the stallholder;
- (c) call his wares or cause or make an outcry, noise or disturbance likely to be a nuisance or cause annoyance to a person in that vicinity;
- (d) deposit or store a box or basket under his vehicle or upon an adjacent roadway or footpath, whilst conducting his stall;
- (e) obstruct the free passage of pedestrians or vehicles on a public street, whilst conducting his stall; or
- (f) act in an offensive manner, whilst conducting his stall.

10 Parking

A stallholder shall not sell goods from a stall on private property unless there is adequate provision on the private property for the parking of his customers' vehicles.

11 Conduct of stall for charity, &c.

Notwithstanding these By-laws, the Authority may grant to a person, without fee, a licence to conduct a stall in a public street or on land for the period specified in such licence where such stall is conducted solely for the purpose of raising money for a religious, sporting or charitable organization or on behalf of any other organization which, in the opinion of the Authority, has objects for the benefit of the community.

12 Penalty

A person who contravenes or fails to comply with these By-laws or a condition of a permit granted to him is guilty of an offence.

Penalty: \$400 and a daily penalty of \$40 for each day during which the offence continues.

Schedule Stallholders (Jabiru) By-laws

regulation 6

STALLHOLDER'S PERMIT

No.

.....
(Name)

of.....
(Address)

is hereby permitted to sell.....
(Type of goods)

from a stall erected or placed at
in the town area of Jabiru, subject to the following conditions
.....
.....
.....

This permit shall remain in force until and including,
20...

Dated this day of , 20 .

.....
Council Services Manager

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Jabiru Town Development (Stallholders) By-laws (SL No. 8, 1983)

Notified	18 February 1983
Commenced	18 February 1983

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date	15 December 2021
Commenced	16 December 2021 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 2.

4 LIST OF AMENDMENTS

bl 1 – 2	amd Act No. 29, 2021, s 10
bl 4	amd Act No. 29, 2021, s 10
bl 7	amd Act No. 29, 2021, s 10
bl 8	amd Act No. 68, 1983, s 138
sch	amd Act No. 29, 2021, s 10