

NORTHERN TERRITORY OF AUSTRALIA

---

Regulations 1991, No. 15\*

---

By-laws under the *Local Government Act*

The Darwin City Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 204(2) and (3) of the Act, at a meeting held on 26 February 1991, made the following By-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorised Garry Raymond Storch, the Clerk, to sign them.

Dated 22 March 1991.

G.R. Storch  
Town Clerk

---

AMENDMENT OF DARWIN (CONTROL OF PUBLIC PLACES) BY-LAWS

REPEAL AND SUBSTITUTION OF PART IV - STALLHOLDERS

Part IV of the Darwin (Control of Public Places) By-laws is repealed and the following substituted:

"PART IV - STALLHOLDERS

"25. DEFINITIONS

"In this Part, unless the contrary intention appears -

'goods' includes food, beverages, wares, merchandise, raffle tickets, tokens, badges and shares, and motor vehicles as defined in the *Traffic Act*; and

'market' means an area in which 2 or more stalls are located or intended to be located;

'packages' includes boxes, baskets and packaging;

'permit' means a permit granted under by-law 27(1);

---

\* Notified in the *Northern Territory Government Gazette* on 24 April, 1991.

*Amendment of Darwin (Control of Public Places) By-laws*

'sell', in relation to goods, means offering or exposing goods for sale or hire or displaying or publishing an advertisement describing or promoting the sale of goods, from a stall;

'stall' means a structure in or from which goods are offered for sale and includes a tent, motor vehicle, caravan, trailer or table;

'stallholder' means a person who sells or offers for sale goods from a stall;

'Stallholders Association' means an association incorporated under the *Associations Incorporated Act* and formed for the purpose of establishing and/or managing a market.

"26. STALLS

"(1) A person shall not sell goods or otherwise conduct business from a stall except in accordance with a permit granted by either -

- (a) the council under this Part, or
- (b) a Stallholders Association under a permit granted to it under this Part in respect of the market in which the stall is located.

"(2) A person shall not establish or manage a market nor issue or grant permits to stallholders in respect of stalls located within a market except in accordance with a permit granted by the council under this Part.

"26A. APPLICATION FOR PERMIT

"(1) A person may make an application in writing to the council for a permit to conduct business from a stall.

"(2) An application under clause (1) shall include -

- (a) the name and address of the applicant;
- (b) the type of goods which the applicant intends to sell;
- (c) the proposed location of the stall from which the applicant proposes to sell the goods;
- (d) the period for which the permit is required; and
- (e) such other particulars as the council may require.

*Amendment of Darwin (Control of Public Places) By-laws*

"26B. APPLICATION FOR PERMIT BY STALLHOLDERS ASSOCIATION

"(1) A Stallholders Association may make application in writing to the council for a permit to establish and/or manage a market and for that purpose to permit and allow stallholders to conduct business from a stall within that market.

"(2) An application under clause (1) shall include -

- (a) the name and address of the applicant;
- (b) details of the stalls which the applicant proposes to allow to be established within the market;
- (c) the type of goods which stallholders within the market will be permitted to sell;
- (d) the proposed location of the market and the stalls within the market which the applicant proposes to establish and/or manage;
- (e) the period for which the permit is required; and
- (f) such other particulars as the council may require.

"27. PERMITS

"(1) The council may, on receipt of an application under by-law 26A or 26B, grant or refuse to grant a permit.

"(2) A permit shall be in such form as the council, by resolution, determines and -

- (a) shall be valid for a period not exceeding 12 months; and
- (b) may be subject to such conditions,

as the council thinks fit and endorses on the permit.

"(3) A permit issued to a stallholder either by the council or by a Stallholders Association shall be displayed by the stallholder in or on his stall whilst he is selling goods from his stall.

"(4) A permit is not transferable.

*Amendment of Darwin (Control of Public Places) By-laws*

"28. REVOCATION OF PERMIT

"(1) Where -

(a) a stallholder -

- (i) has been convicted of a crime;
- (ii) has contravened or failed to comply with these By-laws or a condition of his permit;
- (iii) is conducting his business from a stall in such a manner as to cause a nuisance or annoyance or danger to a person in the vicinity of the stall; or
- (iv) purports to assign or transfer his permit; or

(b) the business from the stall is being conducted by a person other than the stallholder,

the council may revoke his permit.

"(2) Where a Stallholders Association has contravened or failed to comply with these By-laws or a condition of its permit, the council may revoke its permit.

"(3) Where the council revokes a permit under either clause (1) or (2), it shall serve a notice of revocation on the stallholder or the Stallholders Association, as the case may be, or on the person apparently in charge of the stall or the market, as the case may be, and the revocation of the permit shall take effect immediately on the service of the notice.

"(4) A stallholder or Stallholders Association, as the case may be, shall return its permit to the clerk within 3 days after the service of the notice referred to in clause (3).

"29. OBLIGATIONS OF STALLHOLDER

"(1) A stallholder shall -

- (a) comply with and not contravene these By-laws or the conditions of his permit;
- (b) comply with the reasonable directions of the council or an authorised person concerning the location and siting of his stall;
- (c) maintain his stall in good order and condition to the satisfaction of the council or an authorised person;

*Amendment of Darwin (Control of Public Places) By-laws*

- (d) display his name legibly and conspicuously on his stall; and
- (e) keep the site of his stall clean and free from garbage resulting from its operation.

"(2) A stallholder, in the conduct of his business from a stall, shall not -

- (a) sell goods on a day resolved by the council to be a prescribed day;
- (b) call his goods or make or cause to make a noise or disturbance likely to be a nuisance or cause annoyance to a person in the vicinity of the stall;
- (c) deposit or store packages or goods except within his stall;
- (d) obstruct the passage of pedestrians or vehicles;  
or
- (e) act in an offensive manner in the opinion of a person or an authorised person.

"(3) Clauses (1) and (2) apply whether or not the stall is located within a market and whether or not a permit is granted by the council or by a Stallholders Association.

"29A. OBLIGATIONS OF STALLHOLDERS ASSOCIATION

"(1) A Stallholders Association shall -

- (a) comply with and not contravene these By-laws or the conditions of its permit;
- (b) comply with the reasonable directions of the council or an authorised person concerning the location of stalls in its market; and
- (c) keep the site of its market clean and free from garbage resulting from its operation.

"(2) A Stallholders Association, in the conduct and operation of a market, shall not -

- (a) permit or allow goods to be sold on a day resolved by the council to be a prescribed day;
- (b) obstruct the passage of pedestrians or vehicles;  
or

*Amendment of Darwin (Control of Public Places) By-laws*

- (c) allow the market or stalls within the market to be conducted in a manner which is or may be offensive to persons in or in the vicinity of the market.".
- 

The common seal of the Darwin City Council was affixed hereunto in pursuance of a resolution of the council authorising the seal to be so affixed, passed on 26 February 1991  
in the presence of:

A. K. Markham  
Lord Mayor

G.R. Storch  
Clerk

---

---