

# Application - Stallholder

## Port Douglas Markets

Local Law No. 59 (Commercial Use of Roads) 2002  
 Subordinate Local Law No. 59 (Commercial Use of Roads) 2002

- New Application**
- Renewal of Application** (Check all details and submit Supporting Documents if there are changes or updates).

You MUST complete ALL questions unless the form indicates otherwise. Incomplete forms or forms without all necessary information and documentation will result in your application not being a properly made application.

For all applications, you must:

- complete the form;
- complete any other forms relevant to your application;
- provide any mandatory supporting information identified on the forms as being required to accompany your application

### 1. APPLICANT DETAILS

**Applicant (person/s or company):**

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**Address of Registered Office (of Company):**

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**Suburb:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Postcode:** \_\_\_\_\_

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**Business Trading Name:** \_\_\_\_\_ **ABN:** \_\_\_\_\_

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**Contact Person:**

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**Postal Address:**

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**Suburb:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Postcode:** \_\_\_\_\_

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**Contact Name:**

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**Contact Numbers:** **Business:** \_\_\_\_\_ **Mobile:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

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**Email:** \_\_\_\_\_ **Web:** \_\_\_\_\_

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#### OFFICE USE

Date of Initial Product Inspection: \_\_\_\_\_  Insurance attached & No? \_\_\_\_\_

Approved  Not Approved  Is a site map / diagram attached?

**Name:** \_\_\_\_\_ **Sign:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Notes:**

**Description of goods for sale (only goods listed can be approved for sale at stall):**


**Please describe how and where your product is made:**


**TABLE OF FEES**

(Quoted fees are GST inclusive and are valid for the duration of permit being 1 July 2017 – 30 June 2018)

- |  |       |
|--|-------|
| • Market Stall size "A" (Card table only)                | 20.00 |
| • Market Stall size "B" (Large umbrella or 2.4 Frontage) | 30.00 |
| • Market Stall size "C" (3m Frontage)                    | 40.00 |
| • Market Stall size "D" (6m Frontage)                    | 60.00 |

*Not for profit organisations that assist the people of Douglas and schools may be eligible for up to 12 free stalls per year. Bookings should be made in advanced with the Market Coordinator*

**DECLARATION**

To the Chief Executive Officer, Douglas Shire Council

I / We have read and understood the attached terms of this agreement. I agree to abide by and accept the terms and conditions of this agreement, if I fail to do so I recognise that I may be expelled from the Port Douglas Markets.

**Print Name:**

**Applicant's Signature:**

**Date:**

***Douglas Shire Council – Information Privacy Statement***

Your personal information has been collected for the purpose of assessing your Application for Approval. The collection of your information is authorised under the Local Government Act 2009. You are providing personal information which will be used for the purpose of delivering services and carrying out Council business. Your personal information is handled in accordance with the Information Privacy Act 2009 and will be accessed by persons who have been authorised to do so. Your information will not be given to any other person or agency unless you have given Council permission or the disclosure is required by law.

**Market Stall Enquiries** should be addressed to:

Port Douglas Markets Coordinator  
Douglas Shire Council  
PO Box 723 Mossman QLD 4873

**Mobile:**

0459 999 078

**Email:**

[Portdouglasmarkets@douglas.qld.gov.au](mailto:Portdouglasmarkets@douglas.qld.gov.au) or [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

## TERMS AND CONDITIONS

### Market Management

1. The Market Coordinator is responsible for the coordination of the markets and the administering of the Terms and Conditions.

### Days / Times of Operation

1. Markets are held on every Sunday of the month (weather permitting) from **8.00am – 1.30pm** except **Christmas Day and ANZAC Day**.
2. Stallholders may **arrive from 6.00am** and no earlier and **MUST** be set up and ready to **trade by 8.00am**. If stallholders arrive after 8.00am council has the right to refuse entry to the market for the day. **Market shuts at 1.30pm**. Stall sites must be packed up and **vacated by 4.00pm**.
3. Stallholders are required to operate for the duration of the market day and are to notify the Market Coordinator should they need to leave early from the markets or any given day.

### Contact Details / Office Hours

1. General Market Stall enquiries can be directed to the Port Douglas Market Coordinator on Sunday and Monday by phone 0459 999 078.
2. Should you wish to see the Market Coordinator; an appointment can be made on Thursdays.
3. Applications are to be lodged no later than 5 working days prior to the requested date of entry to the markets. Entry is not guaranteed for the requested date, however upon assessment the Market Coordinator will advise of the next possible entry date.
4. Before permit can be issued, stall holders are required to present their goods for inspection with the Market Coordinator or designated Council staff member. Additional proof of manufacture may be sought such as photographs of work stations or personal inspection of the manufacturing process. If Council request a site inspection of the manufacturing process, the stallholder will be given no less than 3 days notice.

### Product Criteria

1. The Port Douglas Markets are **for hand made art and craft items only!** Items that cannot be proven to fit the criteria are NOT allowed to be sold, with the exception of tools that aid the sale of your hand made product i.e. supporting books or objects which accompany your product such as batteries etc. **These must however firstly be approved by the Market Coordinator.**
2. All items for sale must display the following: (1) Originality; (2) Skill or craft has been used in the creation of the item; (3) Produce using hand labour or with the use of small tools; and (4) the items made fit within the definition of “**craft**” and “**cottage industry**” as contained within these terms – (*see definitions*).
3. **Items are only to be sold by the manufacturer.**
4. The sale of second hand goods or imported goods is **STRICTLY PROHIBITED**.
5. Only goods listed on the attaché application form, sighted and approved by the Port Douglas Market Coordinator are to be sold. The selling of types of goods not listed nor approved is **STRICTLY PROHIBITED and may result in loss of licence or expulsion from the markets.**
6. Reviews of craft making procedures will occur on an annual basis or earlier if deemed necessary. Selection criteria will be applied to the processes and products to ensure the product is representative of the guidelines of the market.

### Food Items

1. All food and drink items must be firstly approved by the Market Coordinator.
2. Once you have obtained site approval from the Market Coordinator, an *Application for a Market Food Stall Licence* must be lodged to Council with the annual fee. Applications can be mailed to Council’s postal address or lodged in person at Council’s administration offices.
3. Once approval is granted a licence will be issued that must be displayed at the stall.
4. The sale of pre-packaged food products, such as chutneys, jams, spreads etc (not for immediate consumption at the market) is allowed at the discretion of the Port Douglas Market Coordinator however all necessary approvals and permits must firstly be obtained (i.e. ‘*Application for a Market Food Stall License – Food Act 2006*’). For further information about market food stall, please contact Council’s Public Health Unit to discuss your options with an Environmental Health Officer.
5. Applications for a Market Food Stall Licence must also include Food Safety Supervisor details.
6. All food preparation must be done in a licenced kitchen (excluding ‘Food Items – point 7’). There may be special circumstances to allow food prepared by you **at home** for the markets, but this will require prior approval.

7. Preparation of food at a market stall is restricted to the preparation of non-alcoholic drinks and the cutting up of fruit and vegetables. **NO FOOD VANS ARE ALLOWED ON SITE.**
8. The handling of perishable food at a market food stall is limited to transporting, displaying and serving only. **No cooking or reheating of food is permitted at a market stall** (except by non-profit organisations).
9. The cooking and preparation of high risk food products are prohibited at the Port Douglas Markets. Contact the Market Coordinator for further information.
10. The market food stall must be set up and operated in accordance with the conditions of approval. For more detailed information relating to this, please refer to Council's *Structural & Operational Requirements for Temporary Food Premises*.
11. Stallholders must ensure that **no alcohol is consumed** at their designated site.
12. Stallholders shall produce to Council, prior to the date required, any licences, permits or consents issued by the Health Department or any other Government Agency in respect of their designated site.

### Payment

1. After application is approved, stallholders must pay on the day of the market.
2. Other market dates may be determined by Council at any time, and will be governed by these same terms and conditions.
3. A receipt will be issued upon payment of stall fees. Cheques are to be made out to **Douglas Shire Council**.

### Market Stall Sites – General

1. The Market Coordinator will allocate market stall locations on the morning of the market.
2. The Market Coordinator and Management reserve the right to rotate market stall sites. This will be avoided where possible for those who attend on a regular basis.
3. Water and powered sites are not available.
4. The Stallholder shall not use the designated site for any purposes outside the scope of the permit application.
5. Stallholders must observe, perform and fulfil all the requirements of Council's Policies and Local Laws not limited to but including noise, animal control and waste.
6. The number of Market stalls is limited by Council and will be determined by Council. Management reserves the right to nominate stallholders for any given market day.
7. People under the age of 18 years are not permitted to operate a stall unless accompanied by a supervising adult over the age of 18 years.
8. On the unlikely case that Council may need to relocate the operation of the Port Douglas Markets, where possible, an attempt will be made to notify all stallholders.
9. Smoking is not permitted within market stalls.
10. NO animals are permitted within the market stalls.

### Set-up

1. On arrival to the Markets, stall holders are permitted vehicle access to unload and load goods to their stall position. After 8.00am, all vehicles must be vacated from the Market area unless approved by the Market Coordinator. Stallholders who choose to park vehicles in the Market grounds do so at their own risk. At no times should vehicles park for more than the required time to perform this task, and at no times are vehicles to remain on the pedestrian walk ways after this time.
2. The limit on stall numbers is two per stallholder. Double sites (two adjoining marquees) are limited and approval for two stalls is at the discretion of the Market Coordinator.
3. All stalls must be kept to a high level of presentation and will be subject to review.
4. Additional stock excess to the display may be stored in cardboard boxes or other temporary containers, provided that these are covered so as not to detract from the appearance of the stall or the overall market.
5. Stallholders must keep their site clean and free of rubbish to avoid incurring an additional cleaning fee. **All stallholders are responsible for removing any rubbish generated by their stall.**
6. The use of awnings on any marquee own or otherwise is strictly prohibited unless for the purpose of protection against rain entering the marquee, in this case no goods are to be hung or displayed in or under this area. The use of awnings must not encroach on other stallholder's space and must firstly be approved by the Market Coordinator.

### Insurance / Safety

1. A copy of your current public liability insurance, with a minimum of \$10,000,000 will need to be provided to Council with this application.

2. Stallholders must not block off pedestrian walkways or disrupt pedestrian traffic.
3. To ensure the safety of the public and stallholders all good, signage, etc., are to remain within the boundary of the marquee unless otherwise approved.
4. Stallholders must use their best endeavours to ensure the safety of all persons attending the market.
5. Stallholders are responsible for the security of their designated site and the security and safety of any property of Council in or around their designated site.
6. The stallholder agrees to indemnify, and to keep indemnified and to hold harmless the Council, its servants and agents and each to them from and against all actions, costs, claims, charges, expenses, and damages whatsoever, which may be brought against the Council or the stallholder or both arising out of or in relation to the granting of such stallholders permits.

### **Cancellation / Bad Weather**

1. In the case of the day prior to the markets the weather is unsavoury and unsafe the Market Coordinator will communicate with weather experts and make a final decision taking into consideration the stallholder's opinions as well as safety.
2. If a Market day is to be terminated or cancelled by Council, Stallholders will be notified immediately at the time of the decision where possible.

### **Stallholder Obligations**

1. Stallholders must be neatly attired and may be accompanied by not more than one other person. Due to safety regulations shoes must be worn at all times.
2. Stallholders are expected to be courteous to the public, market organisers and other stallholders at all times. Bad behaviour and or language will not be tolerated and will result in expulsion from the markets.
3. Penalties apply for providing false and or misleading information. If this occurs expulsion from the markets may occur.

### **Grandfather Clause**

1. Sixteen individual stallholders have been granted approval to retail product that fall outside the Policy.
2. This approval was granted in 1996 under previous Douglas Shire Council, and was given in respect of historical links to the establishment of the Port Douglas Markets.
3. These individual stallholders may only retail existing product. No new non-compliant items may be retailed from these stalls. The stallholder approval is not transferable to another person including family members.
4. Should any of these stallholders operate at less than 44 markets in any given financial year, that stallholders will lose their protection under this clause, and must submit application for a Market Stall as a new supplier under the current Market Terms and conditions.

### **Disputes / Complaints**

1. Disputes or disagreements should be lodged in a formal manner and depending on the nature of complaint in writing to Chief Executive Officer, PO Box 723, Mossman Qld 4873
2. If a stall holder wishes to make a complaint about another stallholder the complaint must be in writing and include the complaints name and address. Where possible the complaints identity will be kept confidential by Douglas Shire Council and its staff members.

### **Issuing Compliance Notices**

1. The Market Coordinator may issue a stallholder with a compliance notice if the Officer considers that the stall holder:
  - a) Has behaved or is behaving in a manner likely to cause distress, disturbance, inconvenience, damage or harm to any other person present at the market; or
  - b) Has engaged or is engaging in abusive or threatening behaviour towards other stallholders, members of the public, Council Officers or Security Contractors.
  - c) Is in breach of any conditions of the permit.
2. A compliance notice may also be issued verbally by the Market Coordinator, and will generally be followed up in writing, depending on the severity of the case.
3. For your right to appeal a compliance notice which has been issued please contact the Council on phone (07) 4099 9444 during business hours.

### **Other**

1. Douglas Shire Council reserves the right to withdraw this permit at any time, without prior notice.
2. The Markets Coordinator has the right to have a Stallholders removed from the Market, either before of during the event, if the Stallholder is in breach of the terms of this Agreement.

## DEFINITIONS

**“Cottage Industry”** means

The manufacture of products, by the use of hand labour or small machinery, in small quantities. The definition does not include mass production, or production in commercial quantities. Manufacture must be by the vendor and at the vendor’s own residential premises or studio with the exception of food products which may be made in commercial premises approved by the Council for food preparation. It is accepted that some component parts of a product may be of a mass produced nature however such component parts must be significantly value added through application of art or craft processes.

**“Craft”** means

The production of items of use or ornament by the personal efforts, skills and arts of a craftsman, or his immediate family, and may, without limiting the generality of the term, include cooking, sewing, knitting, woodworking, painting, drawing, the shaping, cutting or polishing of gemstones, jewellery making and other like crafts. The use of manufactured materials as raw materials is accepted, provided that the exercise of a skill or craft is involved in the process of making the finished product.

The assembly of pre-manufactured components into a saleable product, or the repackaging of manufactured product into alternative containers is not regarded as a craft.

**“Crafts Person”** means

A skilled worker in a craft or art.

**“Local Produce”** means

Fruit, vegetables and flowers grown in the North Queensland region, on farms or smallholdings occupied by the vendor of the produce, or by members of the vendor’s immediate family.

**“Market Coordinator”** means

A person appointed by the Council for the time being co-ordinate and administers the Market on Council’s behalf.

**“Product”** means

Without limiting the generality of the term, including any item a vendor intends to sell, has available for sale or sells at the Market.

**“Stall”** means

A table or tables or other equipment used for the display of the stallholders products. A stall which covers more than one site is permitted on the payment of any additional charges stipulated by the Organiser.

**Market Stall enquiries should be addressed to:**

**Port Douglas Markets Coordinator**

**Douglas Shire Council**

**PO Box 723, MOSSMAN QLD 4873**

**Mobile: 0459 999 078**

**Email: [portdouglasmarkets@douglas.qld.gov.au](mailto:portdouglasmarkets@douglas.qld.gov.au)**

**Or [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)**