

FACT SHEET

Hawker policy in Australia

1. Background

1.1 In Australia, there is no uniform regulatory framework for hawker management. The policy on street hawking¹ can be quite different among the local governments. For example, in the city of Sydney, street hawking is generally not allowed, except for food vending using vehicles and selling in indoor and outdoor bazaars (commonly known as "markets" in Australia). In the city of Melbourne, the local government, however, supports and encourages street trading with the aim of building a lively street environment and enriching city life.

1.2 In the city of Melbourne, the local government issues long-term and short-term permits for people to carry out street trading. Markets are also a common means for vendors to sell a wide range of goods and services to the general public. In particular, the Queen Victoria Market, run by the local government, is not only a shopping place for local residents but also a major tourism attraction for visitors. Meanwhile, the government-run Arts Centre Melbourne Sunday Market brings together local artists and designers to promote and sell the locally produced products. There are also various non-government run markets managed by event organizers, not-for-profit organizations and commercial entities.

1.3 Against the above, this fact sheet makes reference to the city of Melbourne for the study of hawker policy in Australia, covering information on its government-run markets, the general form of operation of non-government run markets, and other street trading activities allowed by the local government.

¹ Street hawking is also known as street vending or street trading in Australia.

2. Government-run markets

The Queen Victoria Market

2.1 The Queen Victoria Market is among the largest open-air market in Australia. It has been in operation as a traditional marketplace since the late 1800s. The Market comprises hundreds of stalls selling a broad range of goods such as fruit, vegetables and general merchandise. The Market is opened five days a week in day time. It is managed by the Queen Victoria Market Pty Ltd ("QVM"), a proprietary company established by the local government in 1994 under section 193 of the *Local Government Act 1989*.

Operation

2.2 People who wish to carry out vending activities at the Queen Victoria Market are required to enter into a licence with the government-owned QVM, the market operator. The two parties will discuss the term of the licence, which ranges from a month to six years. A stallholder will initially trade as a casual stallholder without being provided a fixed location. He or she can apply for a permanent stall after having operated his or her casual stall for a period of time. For a licence with a term of 12 months or more, it is transferrable to another stallholder who takes over the licensee's business, subject to the approval of QVM.

2.3 Stall rentals in the Queen Victoria Market are charged daily and payable monthly. The rental ranges from A\$23 (HK\$166) to A\$60 (HK\$433) per day for a single stall. The products to be sold are subject to QVM's approval. To achieve product mix, those new and interesting ones that are not currently available in the Queen Victoria Market are given higher priority in allocation of new stalls.

2.4 There is also a new retail precinct – String Bean Alley – within the Queen Victoria Market which houses sellers in repurposed shipping containers. The precinct targets at (a) fashion designers who create hand-made clothing and accessories, (b) craftspeople who make customized wooden furniture and lighting, and (c) designers who use recycled materials in producing the accessories. String Bean Alley operates three days a week and the stall rental fee is A\$25 (HK\$180) a day. Applicants who wish to participate as stallholders in the String Bean Alley are required to provide product samples for assessment by QVM.

Tourism attraction

2.5 The Queen Victoria Market is also a major tourist attraction. Apart from stalls, there are also food courts, street shops and cooking classes² inside the market. In some months of a year, summer and winter night markets are organized featuring seasonal specialties. As a significant cultural and historical Melbourne icon, the Queen Victoria Market also conducts regular guided tours for visitors. In 2013, the local government announced a plan to make the largest investment in its history to preserve and renew the Queen Victoria Market and surrounding precinct. Public consultation on the master development plan is underway.

Arts Centre Melbourne Sunday Market

2.6 The Arts Centre Melbourne is a performing arts centre consisting of a complex of theatres and concert halls in the central Melbourne. The centre hosts a market every Sunday in which over 80 local artists and producers showcase a variety of unique, hand-made goods. The rental fee for a stall at the Sunday Market, payable monthly, ranges from A\$85 (HK\$610) to A\$100 (HK\$720) per day depending on the site area and stallholder's trading hours.

2.7 People who wish to participate in the Sunday Market as stallholders are required to submit their applications together with all sample products intended to trade at the Market. They are also required to provide details of the materials used, their origin, the steps and process of creation, and details of any helpers involved in the production process for the assessment and approval of the Arts Centre Melbourne.

² The cooking classes are held regularly by different chefs on a variety of cuisines to provide participants with access to delicious dishes.

3. Non-government run markets

3.1 Melbourne has a long tradition of vending in markets. Apart from government-run markets, markets can also be run and managed by operators such as event organizers, not-for-profit organizations and commercial entities. Non-government operators are required to obtain short-term permits from the local government under the *Activities Local Law 2009* in order to sell goods and services in public places of the city of Melbourne.³ An annual fee is charged for operating markets on a recurring basis.⁴ Social enterprises, registered charity organizations and other recognized not-for-profit organizations can apply for fee waivers and their requests are considered on a case-by-case basis by the local government.

3.2 People who wish to participate as stallholders in non-government run markets apply through the relevant market operators and obtain their approval for the products or services to be sold. Applicants who are accepted as stallholders have to enter into agreements with the market operators and comply with the rules and requirements set by them.

Operation of non-government run markets

3.3 In general, non-government run markets operate on a weekly basis or selected days of each month. Some are held monthly or even quarterly. Many of them operate in casual form such that stallholders are generally provided with a table, chairs and necessary equipment such as tablecloths, stands and power facilities. The location allocated to a stallholder is usually not fixed. For some markets such as the North Melbourne Market, stalls are allocated according to the order in which applications are received. When all the stalls are filled, remaining applicants are put on a waiting list. In the Docklands Sunday Market, new stallholders can come to the market on the morning and register on the spot.

³ In making an application, an applicant is required to provide details of the proposed market, including the site plan, risk management plan, and traffic management plan (if involving closure of road) for the assessment and consideration of the local government.

⁴ Under the current policy, an annual fee of A\$1,000 (HK\$7,200) is charged for a market consisting of up to 10 street trading stalls; and A\$1,500 (HK\$10,800) is charged for a market consisting of 11-15 street trading stalls, plus A\$75 (HK\$540) per each additional stall.

Regulation of non-government run markets

3.4 Non-government operators are allowed to specify their rules and requirements for running their markets. Nevertheless, stallholders are obliged to comply with the *Australian Consumer Law* in carrying out the selling activity, same as those vending in the government-run markets. If the activity involves the sale of food, a stallholder should also apply for permission from the local government under the *Food Act 1984* prior to commencing to trade. If a stallholder intends to sell second-hand goods, he or she would need to register with the Business Licensing Authority as required by the *Second-hand Dealers and Pawnbrokers Act 1989*. To protect against the risk of being liable to a third party resulting from negligence, market organizers typically require stallholders to take out a public and product liability policy.

Benefits to small and new businesses

3.5 In Melbourne, non-government run markets provide an ideal outlet for small and new businesses to market their products. There are a number of farmers' markets which provide a platform for small farmers to sell their produce directly to consumers. These small farmers obtain direct feedback from customers to help improve their produce and gain a "fair" price when selling their produce without wholesalers and retailers. Meanwhile, emerging local designers and artisans also see the arts and crafts markets as an ideal "low risk and low cost" way of testing their products prior to their launch of new business. For example, the North Melbourne Market is a place bringing together local designers, vintage suppliers and artisans to showcase their work every month.

4. Other street trading activities in public places

4.1 The city of Melbourne supports and encourages street activities as part of the initiatives to enhance the diversity and quality of "street experience" within the business district and residential areas. As such, the local government issues permits for carrying out street trading activities in public places besides running markets. There are long-term and short-term permits. Permit holders are required to take out public liability insurance indemnifying the local government against any claims for the duration of the permit.

Long-term permits

4.2 Long-term permits are granted for the sale of goods in street kiosks, which are permanent structures designed, built, owned and maintained by the local government, for the purpose of selling fresh flowers, fruit, newspapers, magazines and an assortment of convenience items. The kiosks are created and managed by the local government with an emphasis on providing distinctive and attractive offerings to the city. Permits for trading at street kiosks are granted for a maximum of five years and through a tender process. Permit holders are required to pay a monthly rental, which is determined by the local government or the current market value of the site at the time of tendering.⁵

Short-term permits

4.3 Short-term permits are applicable to street trading activities lasting for up to 12 months, which include the sale of goods and services in special events and festivals, seasonal street trading and casual street trading.

Seasonal street trading

4.4 Seasonal street trading refers to the sale of unique products and services from the street trader's own infrastructure. The street traders are usually the innovative small businesses or entrepreneurs who are willing to undertake street trading activity in public places to sell their seasonally-oriented products or services. Permit holders will need to provide their own infrastructure and equipment to conduct the activity at a fixed location. The location is proposed by the applicant and subject to the local government's approval. The infrastructure and equipment are to be removed from the public place at the end of each trading day. The standard fee charged by the government on the permit holder is A\$300 (HK\$2,170) per month.

⁵ Social enterprises may apply for exemption of rentals.

Casual street trading

4.5 Casual street trading refers to the sale of products and services in street cylinders provided by the local government on a short-term basis. It is a concept designed to enliven the streets with "pop-up" shops. Such street trading is conducted at street cylinders, which are permanent stainless steel infrastructure provided by the local government at designated sites. The cylinder operation is aimed to enhance the vitality of a street and enrich city life. To achieve this, applicants are expected to demonstrate the uniqueness and distinctiveness in terms of both the products they sell and the design of their infrastructure and equipment. The rentals charged by the local government range from A\$100 (HK\$720) for less than 10 days' operation to A\$300 (HK\$2,170) per month for one to six months' operation.

Research Office
Information Services Division
Legislative Council Secretariat
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Tel: 2871 2122

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