



Market Food Stalls

What is a market food stall?

A market food stall is a temporary food premises conducted on a regular basis at any approved market site within the Cairns Regional Council area.

Temporary food premises are defined in the *Food Act 2006* as “premises other than fixed premises or mobile premises, and includes, for example, a stall or a tent.”

Licence requirements

A Market Food Stall Licence allows you to operate at any approved market site within the Cairns Regional Council Area including Rusty's Market. Before applying for a licence, you are advised to seek approval from the Market Coordinator to ensure you are able to operate there.

The handling of food at a market food stall is restricted to three different categories.

1. Non licensable activities:

Food sold does not require a food licence. This is packaged food products or snack food that has a specific definition under the *Food Act 2006*. Snack food includes doughnuts, fairy floss, chocolate and more. It's best to enquire with Council to determine if the food you plan to sell is licensable.

2. Market stall category A licence:

Food sold does require a food licence, however, this risk of food-borne illness to consumers is low. Some examples of these stalls include cutting whole fruit and vegetables and displaying and serving of unpackaged food made in a licensed kitchen (such as custard doughnuts).

3. Market stall category B licence:

Food sold does require a food licence and the risk of food-borne illness to consumers is higher than that of a category A licence. Some examples of these stalls include minor preparation of sandwiches or juice, toasting sandwiches at the market stall and re-heating food at the stall for consumption such as heating pre-cooked pies and then transferring them to a hot holding cabinet.

If you wish to expand your operations to include cooking and further preparation of food products, there are other licence options available such as a [Mobile Food Vehicle Licence](#) or a [Temporary Food Premises Licence \(different to market stalls\)](#). Operation of these types of licenses at approved market sites may be restricted. Please contact the individual Market Coordinator for further information.

Food that requires more than limited preparation or cooking must be done in a licensed kitchen if you intend to sell that food at your stall, for example, making dips or cooking pies or muffins. Some low-risk foods can be made at home. More information on this is available on Council's [Home Based Food Business page](#).

The market food stall must be set up and operated in accordance with the [Food Standards Code](#) and with the conditions of approval. For more detailed information relating to this, please refer to Council's Temporary Food Premises – Guidelines available on the website.

Application process

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. Instructions to lodge your application are found on the form.

Applications for a Market Food Stall Licence must also include Food Safety Supervisor details.

Remember you cannot conduct any licensable activities until you hold a valid licence. If you need assistance reach out to Council's Health Licensing Unit on 1300 69 22 47 and ask to speak with an Environmental Health Officer.

Further information regarding food business licensing is available at <https://www.cairns.qld.gov.au/property-and-business/business/regulations-permits/food>