



A community project of The Rotary Club of Hall 

Capital Region Farmers' Market (CRFM)

- Market Rules –

“Proudly Authentic”

Background

1. The Capital Region Farmers' Market (CRFM - subsequently referred to as the 'Market') is strictly a food producers and related products market. As such, the Market specifically excludes:

- a. any non-food product that is not a direct derivative of an authorised Category #1 and/or Category #2 food product category (paragraph 10 below refers),
- b. provision of services (e.g. horse shoeing or knife sharpening); and
- c. sale of art or craft or 'Paddy's Market' type clothing or imported products.

2. The Market is wholly owned by the Rotary Club of Hall. It is operated and managed by the Market Management Committee (referred to as the 'Committee') on behalf of the Rotary Club of Hall with all profits going to support local ACT and regional communities as well as those overseas supported by Rotary International.

3. The Market is held within the ACT Government-owned multi-purpose Exhibition Park in Canberra (EPIC) precinct located at 10, Flemington Rd, Mitchell ACT.). Allocated Market premises are limited to the adjoining Kosciuszko Building and Kuringai Pavilion and T6 and T7 toilet blocks (Item 2 of Schedule 1 to the EPIC Venue Hire Agreement dated 12 Feb 16 refers).

Market Rules

4. These Market Rules (subsequently referred to as the 'Rules') have been developed by the Committee and apply to all existing stallholders as well as new/intending stallholder applicants. The Rules are designed to ensure the authenticity, operational viability, safety, and sustainability of the Market.

5. The Market, and its Rules, has been evolving since the Market was first established in 2004. These Rules are regularly reviewed as the Committee continually strives to eliminate anomalies and maintain currency with prevailing commercial, operational, and legislative needs.

Important: *Prospective applicants and all stallholders are to ensure that they read and agree to comply with these Rules.*

Market Philosophy

6. At all times, the Committee seeks to maintain an authentic, operationally viable, safe, and sustainable Market for genuine producers selling their produce and products where stalls are attended by the producer and/or their immediate family.

Important:

- *While the Committee may actively consult with attending stallholders, the Market is not a Co-Operative.*
- *To maintain Market authenticity, neither produce nor products obtained from wholesalers, retailers nor other unauthorised persons, may be offered, traded or exchanged on Market premises. This Rule is critical to at all times to maintain market authenticity noting that deliberate breaches of this Rule will incur the severest penalty of being immediately and permanently expelled from the Market (Annex B refers).*
- *No overseas imported line item product may be sold in the Market (e.g. No imported garlic, ginseng, seafood etc). However, imported ingredients for value-added produce/product (e.g. some imported varieties of tea, grain, olives, coffee beans, herbs and spices not produced in Australia) are permitted provided they add value and are not a dedicated line item for sale.*
- *The Committee may, in exceptional circumstances, approve Australian products from market-accredited producers with agencies outside the identified CRFM region (e.g. seafood from Australian waters, Australian grown flowers, and some core products such as potatoes, brown onions, and pumpkins where there may be a gap in regular local/regional supply).*

7. While produce/product prices are not subject to the Rules, the Committee strives to maintain a balance of produce/product lines to ensure competitive pricing among stallholders.

Committee Discretion

8. At all times, the Committee reserves the right to exercise its absolute discretion in **all** matters related to the management, administration and operational viability of the Market affecting all attending stallholders.

Stallholder Geographic Areas

9. In considering stallholder applications, preference will be given to those from the following geographic areas:

- a. Producers operating within the Capitol region, defined to include the ACT and regional NSW Local Government Areas of: Bega Valley, Bombala, Boorowa, Cabonne, Cooma-Monaro, Eurobodalla, Goulburn-Mulwaree, Harden,

Palerang, Queanbeyan, Snowy River, Tumut, Upper Lachlan, Wollondilly, Yass Valley and Young.

- b. The food production cluster areas of the Murrumbidgee Irrigation Area (MIA), Batlow, Cowra, Orange, Young-Temora, Western Sydney, Southern Tablelands, Goulburn-Crookwell, South Coast and Monaro. These production cluster areas have been selected to offer the Market a low-food-mile (environmentally friendly) but seasonally diverse source of produce.
- c. Stallholder applications from outside the above region/production ‘cluster’ areas will be considered on a case-by-case basis based on:
 - i. unique produce/product,
 - ii. assessed Market need, and
 - iii. ready access by the Committee to inspect to ensure produce/product/producer authenticity and compliance.

Food Producer Category

10. The Market has three categories of producers based on food/product type. These categories are defined as follows:

- a. **Category #1** - producers of vegetables, fruit, nuts, horticultural products, meats, fish, eggs, and honey. They have priority over secondary and tertiary products.
- b. **Category #2** - producers of sauces, jams, dairy products, and value-added food products, like breads, cakes, pies, pizzas, etc.
- c. **Category #3** - producers of prepared food-ready-to-eat (FRTE).

11. To be a Category #2 or Category #3 producer, there must be clear evidence of a value-add so their product is uniquely their own.

Stallholder Attendance Frequency /Priority

12. In considering stallholder applications, the Market has three levels of stallholder based on intended attendance frequency as follows:

- a. **Priority #1 - Full time** – continuous weekly attendance for at least 10 months of the year.
- b. **Priority #2 - Part Time** – regular non-weekly attendance for up to 12 months of the year (i.e. may attend fortnightly or monthly).
- c. **Priority #3 - Full time seasonal** – attend the Market full time only during their harvest season.

New Stallholder Application

13. The sequence for applying for a stall is as follows:
 - a. Intending new stallholder(s) are to contact the Market Manager to seek initial guidance about the likelihood (or otherwise) of their being accepted into the Market noting their intended attendance frequency, geographic location, site availability and competing produce/products;
 - b. The Market Manager may invite prospective stallholder(s) to submit an application with supporting documentation (i.e. CRFM Stallholder Application Proforma) to join the Market using guidance and the proforma available on the Market website at: www.capitalregionfarmersmarket.com.au
 - c. The Committee will review all new stallholder(s) application and accompanying documentation and, if considered to be in the best interest of the Market, may approve (or otherwise) application(s).
 - d. Successful stallholder applicants will be advised of their acceptance by the Market Manager who will arrange an inspection (paragrah 15 below refers) and will seek a 'once only' \$150 Market registration/website maintenance fee before their first market attendance.

14. Important supporting documentation to the Stallholder Application may include any/or all the following:
 - a. Certificates of Currency for Insurance as follows:
 - i. \$20 million for Public Liability, and
 - ii. \$20 million for Product Liability.
 - b. Australian Securities and Investments Commission (ASIC) Business Registration to secure an authorised Australian Business Number (ABN),
 - c. ACT Health Registration Certificate (where applicable),
 - d. ACT Liquor Licence (where applicable),
 - e. ChemCert Certificate for horticulture and fruit & vegetable producers, and
 - f. Current Compliance Certificate (e.g. Organic or Bio-dynamic Growers' Certificates where applicable).

15. A pre-entry compliance inspection by the Committee is required before a stallholder is accepted into the Market. In some circumstances, this requirement may be temporarily waived with provisional approval being given, until an inspection can be conducted.

16. If the stallholder application is approved by the Committee, the applicant will be notified by the Market Manager and arrangements made for an initial briefing on the weekly Market operating routine.

17. A stall site will be allocated by the Market Manager noting the same stall site cannot be guaranteed each week.

18. If/when approved, the details of each stallholder will then be posted on the Market website together with an approved listing of their product range.

19. It is the stallholder's responsibility to ensure that their website product listing is accurately displayed **at all times**. Any/all product/produce changes **must** be advised to the Market Manager and **must** be approved by the Committee **before** they can be sold.

Important: Stallholders are not permitted to sell any product(s) not included in their approved Market website product listing.

20. Stall sites are **not** transferable. Any change in ownership of a stallholder's business requires the completion of a new Stallholder Application form by the new stallholder and the approval of the Committee along with payment of the requisite registration/website maintenance fee. Approval **must not** be assumed.

21. No new stallholders will be admitted until they have completed the Stallholder Application process, been approved by the Committee, and paid the appropriate Market registration/website maintenance fee (paragraph 13.d. above refers).

Market Admission - Committee Consideration

22. All new stallholder applications will be considered by the Committee based on the limited stall sites available and entry requisites (paragraphs 9 – 12 above refer) as well as adherence to the application process (paragraphs 13-21 above refer).

23. In assessing all new stallholder applications, a key Committee consideration is the need to maintain a viable produce/product variety within a competitively balanced framework of food producer/product categories. This can be summarised as "what would be best for the Market".

24. Stallholder applicants should not anticipate approval while the Committee exercises its discretionary consideration.

Seasonal Stallholders

25. Returning regular and compliant seasonal stallholders may be admitted back at the Market, provided:

- a. they have contacted the Market Manager and discussed their return;
- b. a stall site is available; and

- c. they complete/update their Stallholder Application information including product/produce listing before their new season market attendance.
26. **Previous season stall sites and their locations cannot be guaranteed.**

Market Fees

27. Current market fees are detailed on the Market website and are subject to annual review.
28. Stall fees and associated charges can be paid weekly, fortnightly, or monthly in advance either by:
- a. Electronic Funds Transfer (EFT), or
 - b. periodical bank debit direct from the stallholder's bank a/c to the CRFM bank a/c (ask the Market Manager for details), or
 - c. cheque.

Important:

- Cash payment is **NOT** acceptable.
- Payment **MUST** be received into the CRFM bank a/c by **NLT 5 PM** on the **Thursday** preceding the attending Saturday Market, otherwise entry to the Market will not be allowed.

Use of Agencies

29. Due to the vagaries of the cold weather climate in the Market regions, stallholders may apply to use agencies to supplement their sources of supply on a seasonal basis. Agencies are treated no differently than accredited producers and are subject to the same inspection and compliance scrutiny as producers to validate their bona fides.
30. Accredited agencies are only permitted from within designated Market regions (paragraph 9 above refers).
31. Stallholders may apply for up to a maximum of three agencies at any one time. Notwithstanding those 'grandfathered' anomalies referred to in Annex A, any single accredited agency must not take up more than 30% of the selling space on a stall.
32. Accredited agencies have the lowest priority in the Market. At any time, and at its discretion, the Committee may replace any accredited agency with a higher priority stallholder producer.
33. An escalating agency fee scale is detailed on the Market website (Stall Fee Supplement refers) that is subject to annual review.
34. All Agency applications should be lodged with the Market Manager for consideration by the Committee. Agency approvals are not open-ended and are subject to regular cyclical review.

35. Once a stallholder has been given approval for an accredited agency and that agency has been activated, then the agency fee paid is non-negotiable, regardless of whether the stallholder sells product from that agency. Fees for approved seasonal agencies may be reviewed at the discretion of the Committee upon provision of such evidence as the Committee should require.

Important: *It is the stallholder's responsibility to advise the Market Manager when the use of the accredited agency has ceased; else, the stallholder will continue to be charged at the applicable agency fee(s) rate.*

Stallholder Attendance

36. To ensure an ongoing and direct relationship between the customer and the **producer, stallholders and/or their immediate family members are expected to personally attend their stalls** unless, under exceptional circumstances, the Committee has approved an alternative arrangement.

37. All attending stallholders, their attending family members and any supporting staff must have first-hand knowledge of their accredited stall produce/products and their production systems.

38. Stallholders unable to attend a market must, where reasonably possible, inform the Market Manager in advance of any planned absences. Failure to advise the Market Manager of any extended absence(s) (planned or otherwise) will result in permanent exclusion from the market.

39. Stallholders who may wish to attend other markets and/or events (that clash with their regular CRFM attendance schedule) may do so, provided they:

- a. provide one month's notice of any intent, and
- b. continue to maintain a viable and concurrent presence at the CRFM.

Important: *Stallholders considering attending other markets and/or events failing to meet the above criteria, need to be aware that the Committee reserves its discretionary right to reallocate their stall sites with no guarantee of any future right of return.*

Product/Produce Variation

40. Stallholders wanting to vary their approved website product listing **must** submit a Product Amendment Notification Form, available on the Market website for any/all new products for approval by the Committee **before** being sold, offered, or transferred within the Market precinct. Without an approved variation, stallholders will be immediately asked to remove any unauthorised product from sale. Where the variation involves growing new product, approval **must** be sought **before** sowing/planting. Approval should not be anticipated.

Important: *It is a stallholder responsibility to regularly review their Market website product listing to ensure currency and compliance with the Rule(s) and to advise the Market Manager of any change(s) for subsequent updating action.*

Legislative Compliance

41. In addition to those Stallholder Application prerequisites (paragraphs 13 to 21 refer), all produce/products must meet all the appropriate Federal and ACT Health, Fair Trading regulatory requirements, including rules relating but not limited to:

- a. Pricing;
- b. Food produce/product processing;
- c. Packaging, including:
 - i. Nutrition advice,
 - ii. Labeling - from 1 July 2016, a new country of origin food labelling system commenced under the Australian Consumer Law (ACL). It applies equally to all food offered for retail sale in Australia, including in stores or markets, online or from a vending machine, and
 - iii. Weights and measures.
- d. the need to always, on request, provide a receipt or proof of purchase for any purchase over \$75, noting that a receipt for any purchase under \$75 must be given within seven days of asking.

42. Scales (weights and measures) must comply with relevant ACT legislation and the display screen should be readily visible to the customer. Receipts should be kept as proof of origin for inspection by the Committee (and ACT Fair Trading, ACT Health, etc) if/when requested.

Stallholder Trading Name/Produce/Product Signage

43. Stalls must **predominantly display their trading name and product pricing at all times.** The price and description of all produce/products must also be displayed using either the approved (with Market logo) Green ‘Market Producer’, or Orange ‘Agency’ and/or Purple ‘Organic/Bio-dynamic’ sourced product signs. Signage templates and actual signs are available from the Market Manager on request.

Important:

- *Sale of all claimed ‘certified organic/biodynamic’ must be supported by a clearly displayed properly endorsed and accredited certificate at all times; and*
- *Display and/or use/mention of the Market brand name or Market logo is strictly limited to use at our Market and may **not** be used to advertise and/or promote products/produce/services sold/provided at other markets and/or venues.*

44. All product/produce descriptions must be accurate, honest and not misleading (e.g. produce must not be described in any way that might possibly be construed by a customer as being organic unless it is ‘Certified Organic’). If not ‘Certified Organic’, saying “Organically Grown” is **not** acceptable. However, stating “No Chemicals Used” or “Pesticide Free” or words to such effect is acceptable.

45. Further, if a product/produce is claimed to meet a specific food standard (e.g. Extra Virgin Olive Oil), that claim must have been validated. Evidence to this effect, must be provided by the stallholder on request in accordance with Federal & ACT Fair Trading and Labeling Laws. Stallholders need to display clear evidence that substantiates all such produce/product claims.

‘Share Farming’ Arrangements

46. Where groups of producers share land, financial, human capital, and machinery etc in joint production processes, the Committee may, at its absolute discretion, treat them either as a single separate entity. The produce/product list for this single entity (including any agencies) will be the sum of the produce/products from participating producers.

Administrative Arrangements

47. All stallholders should, in the first instance, contact the Market Manager for guidance who, when necessary, will seek further direction from the Committee.

48. Administrative anomalies generated by the evolution of the Market and its Rules are reviewed on an ongoing basis.

Important: Further details are provided at Annex A.

Fund Raising Requests.

49. Rotary is a non-political philanthropic organisation. As such, in most circumstances, only other Rotary Clubs may be offered the opportunity to conduct a stall or raise funds on Market premises. All fund-raising applications will be subject to Committee approval.

50. A Club admitted to the Market will not be allowed to sell any product/produce in competition with Market stallholders.

51. Only one Club or program may be permitted to attend per market at any one time.

Buskers

52. Competent buskers are required to apply to perform at the Market to the Market Manager – an application form is available on the CRFM Website (applications and downloads).

53. All rules pertaining to buskers can be found on the application form.

General Operational Rules.

54. Stallholders are to comply with the direction(s) of the Committee and/or Market Manager at all times, in particular:
- a. The Market is held weekly subject to venue availability. When there are prebookings for such annual events as Summernats, the Royal National Capital Agricultural Show (RNCAS) and the National Folk Festival at Easter, the Market may be cancelled.
 - b. The weekly Market operating hours are 7.30am-11.30am.
 - c. No stallholder vehicle(s) may enter either the Market and/or pavilion area after 7:00am or leave before 11.30am.

Important: Maximum speed for vehicles inside the Market area is **5 kph** and hazard lights **MUST** be used **at all times**.

- d. Vehicles must be parked in the designated parking areas or as directed by the Market Manager.
- e. All passageways must be left clear for pedestrian traffic so that customer flow is not inhibited.
- f. All stalls are marked and numbered. Stallholders must stay within their allocated stall area.
- g. No Smoking is allowed anywhere in the Market area.
- h. Stallholders are prohibited from producing smoke, smells or leaving engines running anywhere in the Market area. This includes running generators.
- i. At the end of each market, stallholders are to clean up their stall site(s) and to:
 - i. empty (and then return) the organic waste bins provided; and
 - ii. empty all cardboard, crates, boxes, containers, paper, etc into the dedicated cardboard skip provided.
- j. Stallholders hiring Rotary tables must return them to the storage container ensuring at all times that the container is left in a tidy and orderly manner to ensure ease of access for future use.
- k. Dogs are not allowed in the Market area (that includes stallholders' dogs). Dogs may be tethered in the Bicentennial Park or adjacent to the German Shepherd Dog Club area.
- l. Attendance at all stallholder meetings is compulsory.

- m. Any issues of concern to stallholders should be raised with the Market Manager in the first instance.
- n. Absolute compliance with Federal and ACT Health and Workplace Health and Safety (WHS) regulations is mandatory. In particular:
 - i. Where regulations require, approved 'sneeze guards' are to be erected between unpackaged food products and customers; ii. Stallholders are to provide their own hand washing facilities; and
 - iii. Stallholders are to use disposable gloves when handling all fresh and processed produce/products except for raw fruit, nuts, and vegetables.
- o. All heated appliances must have heat guards and caution signs – or be located well out of the reach of customers. Where gas appliances are used, stallholders are to provide their own firefighting equipment which, as a minimum, should comprise a powder ABE 2 kg fire extinguisher and fire blanket.
- p. Due to power reticulation difficulties, electrically powered heaters, jugs (for personal use) and/or **any** electrical equipment with a heating element are **not** to be used at any time.
- q. All electric power cords and electrical appliances **must be 'tested and tagged' annually by a licensed inspector** in accordance with ACT legislative needs. Stallholders who fail to comply will be denied market access until fully compliant.

Producer Visits and Fees.

55. It is important that the Committee be allowed to verify producer information provided by stallholders and to pursue compliance needs and any/all complaints that may require subsequent investigation.

56. Accordingly, the Committee reserves the right to inspect any producer's property and/or premises whose produce/products are sold at the Market. All stallholders must be prepared to be visited by an appointed representative(s) from the Committee during normal business hours.

The Committee reserves the right to seek an additional 'farm inspection fee' to recover associated travel costs, where it is deemed appropriate.

Market Rule Breaches

57. Failure to observe the Rules may, in the opinion of the Committee, give cause to initiate disciplinary action. Consistent breach(s) of the Rules may lead to suspension and/or expulsion from the Market. The administrative procedures associated with managing any/all such breach(s) are detailed in Annex B.

Code of Conduct

58. At all times, all stallholders must deal with each other and Market customers in a courteous and professional manner. Abusive and/or threatening behavior will not be tolerated at any time or under any circumstances. Such behaviour may constitute grounds for immediate expulsion from the Market.

59. Stallholders are expected to support the Market, the Market Manager, and its Committee in all administrative/operational matters. Should a stallholder have a grievance(s) about any Market-related matter, they are expected to bring their grievance(s) to the attention of the Committee by first advising the Market Manager and/or any member of the Committee. Any willful public disclosure(s) of any grievance(s) to other parties and/or the media will not be tolerated and will constitute a breach of the Rules and may be considered grounds for immediate expulsion.

Disclaimer of Liability

64. Stallholders agree to indemnify the Market from any damage, expense or liability arising from any injury or damages to any person, including the public, the vendor or others, occurring either in the space occupied by the stall holder or elsewhere arising out of its product, occupancy or anything connected with the occupancy. The Market will not be liable for any loss or damage to the property of the stall holders due to fire, robbery, accidents, or any other cause whatsoever that may arise from use and occupancy of their Market site.

65. In summary, the conduct expected of stallholders, their agents, and attending staff will be assessed against the Rotary 4-Way Test of the things we think, say and/or do. These are:

- a. Is it the truth?
- b. Is it fair to all concerned?
- c. Will it build goodwill and better friendships?
- d. Will it be beneficial to all concerned?

Annexes:

- A. Current CRFM Anomalies
- B. Market Rule Breach(s) – Administrative Procedures

Annex A to Market Rules dated February 2017

Current CRFM anomalies

1. The Committee acknowledges the following anomalies in the Market and is progressively working to eradicate them:

- a. **Flower products** – because of seasonal constraints on flower production in the Capitol region(s), accredited agencies may be accepted from out of region.
- b. **Fish products** – because of sustainable fish management policies and seasonality considerations, some fish products may be sourced outside of the CRFM region but must be from within Australian waters (e.g. Atlantic Salmon from Tasmanian waters).
- c. **Ingredients**– some products may include some imported products (e.g. specific varieties of spices, herbs, flavours, chocolate, grains, teas, coffee and cocoa beans, olives, mushrooms etc, not produced in Australia, and that are important recipe ingredients to value-add products). However, priority will be given to products with locally produced value-added ingredients, noting that, with the introduction of the new National Country of Origin Food labelling system on 1st July 2016, all stallholders must be compliant with any legislated need to declare the proportion of Australian and non-Australian ingredients of their products by NLT 1st July 2018.
- d. **Agency-only and ‘grandfathered’ stalls/products** - Most stallholders are genuine producers. However, Rule changes over time have resulted in one ‘agency only’ stall. This stall is currently the subject of a ‘grandfathered’ management agreement. Similarly, over time, the more recent introduction of some Australian sourced produce/products previously only available overseas has created occasional anomalies that are also being managed on a ‘grandfathering’ basis.
- e. **Producer Cooperatives** – under rare circumstances, the Committee may, by exception, approve producer Co-operatives.

Annex B to Market Rules dated February 2017

Market Rule Breach(s) – Administrative Procedures

1. For serious Rule breach(s) that threaten Market authenticity and/or reputation, where a stallholder(s) has deliberately broken a Rule(s), the Committee reserves its absolute discretionary right to permanently expel that stallholder(s) from the Market. The subsequent expulsion direction will then be registered on their stallholder database record for future reference.
2. For all other breaches of the Rule(s), the Committee, at its absolute discretion, may initiate the following sequential course of action:

- a. **First Breach** – The stallholder will be issued with a verbal warning by the Committee and/or the Market Manager during which the Rule breach(s) will be identified. The warning will be registered on their stallholder database record; and
 - b. **Repeat Breach** – The stallholder will be issued with a formal warning in writing detailing the alleged breach(s) with a 14-day right of reply. If, after Committee discretionary consideration of the reply, the stallholder is considered to be non-compliant, they may be permanently expelled from the Market. The warning, any response, and any subsequent expulsion direction will be registered on their stallholder database record.
3. In the event of a stallholder failing to comply with the Rule(s), the Committee may take such action as it deems appropriate to recover any loss or damages sustained by the Market because of the actions of that stallholder.