

## **MARKET RULES AND REGULATIONS**

### **1. MARKET AND STRUCTURE**

The Mullumbimby Farmers Market [MFM] operates every Friday from 7am-11am at the Mullumbimby Showground's with exceptions being made for some public holidays, unless the NBFM committee advises otherwise.

### **2. MARKET MANAGER**

The Market Manager operates the weekly MFM Market under the direction of the North Byron Farmers Market inc (NBFM) Committee and ensures compliance with the Mullumbimby Farmers Market Rules and Responsibilities. Stallholders are obliged to follow instructions given by the Market Manager.

#### **2.1 AUTHORITY OF MARKET MANAGER**

The Market Manager, after conferring with at least one NBFM Committee member, can withhold or withdraw the stallholder's right to participate at the market and require the stallholder to leave the Market site for any of the following reasons:

2.2 a product for sale poses a risk to the health or safety of consumers

2.3 non-compliance of the stallholder with a rule or responsibility listed in this document poses a risk to the health and safety of consumers

2.4 is selling produce or product of poor quality

2.5 is on-selling 'unapproved' produce or produce not produced on the inspected farm or leased premises

2.6 has otherwise acted in a manner that will bring the reputation of the Market into disrepute

2.7 is abusive towards: customers, Market Manager, Committee members or other stallholders

2.8 has not responded adequately to a complaint that has been brought to the stallholder's attention

2.9 has not complied with a reasonable request made by the Market Manager or Committee

3.0 outstanding stall fees owed by the stallholder to the Market

The decision of the Market Manager is final. If the decision is made on a Market Day the decision will take effect immediately and be applicable for the entire day's trade.

Any such breach can lead to the withdrawal of the stallholder's right to participate in the market.

If the Market Manager uses the general discretion listed in 2.1 the Market Manager will provide a written justification to the Committee and to the Stallholder within five working days.

If the Market Manager uses his/her general discretion as outlined in 2.1 and a stallholder receives written notification as outlined in 2.3, the stallholder can appeal the decision to the Committee.

The stallholder can request that the Committee review the Market Manager's decision by writing to the Chairperson of the Committee.

Any decision made by the NBFM Committee is final.

### **3. DEFINITION OF MARKET DAY**

“Market Day” is every Friday of the calendar year except on Public Holidays and when the Committee and Market Manager may determine the grounds unsuitable due to wet weather or conflict with the Showground’s activity.

#### **4. MARKET FEES**

##### **4.1-SITE FEE SCHEDULE**

Fees are for or a 3 metre SITE.

Most stall spaces have car access, some are car less sites [no difference in fees].

Permanent stallholders pay a monthly fee in advance

##### Monthly fee’s

|                           |       |
|---------------------------|-------|
| Half stalls               | \$87  |
| Single stall              | \$152 |
| Single with power         | \$173 |
| One and a half            | \$217 |
| One and a half with power | \$238 |
| Double stall              | \$282 |
| Double stall with power   | \$303 |

Casual stallholders \$40 per week

Guest farmers \$55 per week for the first 3 weeks then \$40 for a maximum of 4 weeks

Carried Farmer/producer [at the discretion of the committee, see Section 4]

Powered sites \$5 per week [See section 20.6]

##### **4.2 -FARM /SITE VISIT FEE**

|             |       |
|-------------|-------|
| Non Members | \$200 |
| Members     | \$60  |

##### **4.3 -ANNUAL MEMBERSHIP NBFM**

|            |         |
|------------|---------|
| Annual fee | \$60 PA |
|------------|---------|

## **5 STALLHOLDERS**

### **5.1 PRIOR TO TRADE**

Stallholders are bound by the MFM Rules and Regulations at all times.

“Stallholder” is a grower, producer, artisan or small business owner who has successfully applied to trade at the Market.

“Grower” is the person who is responsible for, and exercises control over, a primary product for the full production cycle of the product sold – eg. from planting to harvest.

“Producer” is the person who uses one or more locally sourced primary products to make a finished product. The producer is responsible for, exercising control over and participates in the manufacture of the product.

“Artisan” is a person that produces a product acceptable to the Committee.

“Small business owner” is a person who operates a shop front in the Mullumbimby CBD and has been approved by the NBFM to trade sustainable products, preferably local and approved by the Committee.

“Carried Farmer /producer/artisan” is a person who is not eligible for membership but is approved by the committee to sell their products at the MFM and who chooses to sell via another approved stallholder. Approval is subject to the following:

1. a farm /manufacturing premise inspection.
2. a carried farmer will be obliged to pay a weekly fee whilst his goods are being sold and he /she is not present. This will be set at the discretion of the committee and related to the quantity and range of goods offered for sale.
3. carried goods can only be sold with the prior written permission of the committee.
4. any changes /additions to approved products must be approved by the committee in writing prior to being offered for sale.

“Guest farmer” is a farmer who brings a specialised seasonal product to sell at the market for a short period of time and who has not paid an annual membership

## **5.2 STALLHOLDER ELIGIBILITY**

Stallholders are to be residents within the following shires: Byron, Tweed, Ballina, Lismore ,Kyogle or Richmond. Exceptions may be made for growers who are able to come to the market and return to their farm by car on the day of the market, as approved by the Committee.

Prior to trading at the Market the Stallholder must have submitted copies of:

1. Current Certificate of Currency Public and Product Liability Insurance.
2. Byron Shire Council Stall Holders Permit.
3. Leasehold documentation required by the Committee if necessary.
4. Annual NBFM membership fee payment of \$60.
5. One month’s stall fees in advance paid by either cheque or direct deposit

The Committee has an absolute discretion to approve/ decline or remove a new or existing stallholder.

## **5.3 STALLHOLDER OBLIGATIONS**

-All primary produce for sale at the Market must be grown within the designated area: Byron, Tweed, Ballina, Lismore, Kyogle or Richmond River Shires or as approved by the Committee.

-All approved produce must come from the approved farm or manufacturing facility that was inspected.

-All value-added products for sale at the Market must be made by the stallholder within the designated areas: Byron, Tweed , Ballina ,Lismore ,Kyogle or Richmond River Shires or as approved by the Committee.

-The ingredients are to be either grown by the producer, sourced from MFM stallholder growers or other local growers and suppliers. Some ingredients unavailable in the area with the prior approval of the NBFM Committee may be sourced from areas as close to Mullumbimby as practical.

-MFM has a strong preference for products grown, sourced or made locally. (ie as close to Mullumbimby as possible). In circumstances where a product is not available locally but is deemed by the Committee to benefit the local community, it will be considered for inclusion in the market. The committee has final say in what products will be sold at the market.

Artisan goods are to be made by the artisan stallholder within the designated areas: Byron, Tweed, Ballina Lismore ,Kyogle or Richmond River Shires or as approved by the Committee.

## **5.4 RIGHT TO TRADE AT THE MARKET**

The NBFM Committee has the right to determine who trades at the market.

Any breach of market policy or behavior or trade practices deemed to be prejudicial to the market can lead to the stallholder being excluded from the market.

Stall-holders who have been identified as being in breach of market rules and regulations have the right to appeal a Committee decision: written and or oral.

Any decision of the Committee will be final

## **5.5 OPERATION OF STALL.**

The stallholder is responsible for the operation of the approved stall and it may be operated by:

- The stallholder
  - A relative of the stallholder
  - An employee of the stallholder with extensive working knowledge of all aspects of production and product. If the market manager is dissatisfied with the level of stallholder employee knowledge the right to sell approved/carried goods may be rescinded [following consultation with the Committee].
- The stall must be operated in accordance with Byron Shire Council health and safety rules.

## **5.6 APPROVED PRODUCTS TO BE SOLD**

Requests to amend approved product lists are to be submitted in writing to the Committee prior to any changes. A further farm/manufacturing facility/workshop inspection may be required with the stallholder required to pay the site /farm visit fee.

Stall holders can only sell items that are “allowable products” (defined below) and approved by the NBFM Committee.

Approved CBD business stallholder can only sell products approved by the Committee following consultation with the Market Manager and the NBFM Committee.

## **5.7 PRICING OF GOODS**

The policy of the MFM market is to provide fair prices for both farmers and consumers.

Produce should be offered at a fair price.

Price fixing amongst producers will not be tolerated and is illegal.

Prices of goods should be clearly displayed.

Competitive pricing and provision of seasonal specials is encouraged.

## **5.8 QUALITY OF GOODS**

Food producer stallholders must guarantee to offer for sale fresh and the highest possible quality food products. If seconds are sold, they are to be marked as such and priced accordingly. The Market Manager has the authority to require Stallholders to remove sub-standard product or product that does not comply with these Rules and

## **5.9 LEASING LAND AND CROPS**

Growers who lease land to grow crops, to tend and pick annual and perennial crops, or to raise livestock must demonstrate that they are truly managing the crops or livestock through at least a full growing cycle. Documentation is to be provided to the NBFM committee by farmers in leased /share farming arrangements before a farm inspection is carried out.

- i. Copy of the lease to be deemed acceptable by the Committee.
- ii. Copy of the Deposited Plan of the property with the leased/share farmed areas clearly marked.

The Committee will decide if crops/livestock from the leased/share farmed land will be approved for sale at the market.

Responsibilities.

## **5.10 RESELLING AND ONSELLING**

Only approved goods produced or grown by the stallholder will be permitted for sale except in the following circumstances:

- Stallholders may be given permission to 'carry' approved produce from other approved stallholders, as determined by the Market Manager/Committee and at a fee determined by the Committee [see section 4]
- Local Mullumbimby CBD small businesses approved to participate in the market as stallholders in the special category of 'small local business' [see section 2] may on sell local and sustainable produce/ products as approved by the Committee. If a similar product is being sold at the market by a local producer preference will be given to the local producer.

### **5.11 INSURANCE**

All stallholders must provide the Market Manager with an Insurance Certificate of Currency before a stall site is confirmed. The Certificate of Currency must clearly state that the Stallholders covered for product liability and public liability [\$5-10 million]

A copy of the Certificate of Currency must be kept at the stall on every market day

It is the responsibility of the stallholder to ensure that a renewal copy of their Certificate of Currency is forwarded to the Market Manager annually.

If insurance is not current, the stallholder will not be allowed to trade.

### **5.12 STALL PAYMENTS & BOOKINGS**

All stallholders are obliged to pay their weekly stall fees in advance on the direction of Committee/Market Manager. Permanent stallholders [including 'Carried' stallholders] must pay their fees monthly in advance. There are no refunds for missed attendances. Fees are to be paid by either cheque or direct deposit [no cash].

Seasonal stallholders can only 'hold' their stall place if they continue to pay their weekly stall fees in advance or monthly in the period of their absence: or if they come to a sharing arrangement of the allotted space with another Seasonal stallholder.

Casual stallholders and guest farmers need to book at least one week in advance and are allotted sites at the discretion of the Market Manager.

Permanent stallholders are requested to advise of non-attendance at least 24 hours in advance as a courtesy to the Market Manager, fellow stall-holders and customers

### **5.13 BYRON SHIRE COUNCIL FOOD STALL APPROVAL PERMIT**

All approved stallholders selling food products must have their current annual BSC permit displayed on their stall.

### **5.14 STALL SITE FEES AND PAYMENT**

Site fees are determined by the Committee and are applicable to all stall-holders.

A list of current MFM fees and charges is provided to stall holders and available from the Market Manager.

The Market Manager reserves the right to refuse entry to the Market to any stallholder who has not paid site fees pursuant to the Rules and Regulations (See 23: Right to trade at the market)

If a stallholder has overdue fees for a period of one month, a letter will be issued requesting payment in 14 days, failure to pay the outstanding amount will result in the suspension of the stallholder until all outstanding fees are paid.

Site fees and other fees are paid monthly in advance, by cheque or by direct deposit.

[no cash payments]

Payment of the site fee entitles the Stallholder to one stall site ( 3 metres). Most sites have car parking.

Power facilities are available at an additional charge of \$5 per week.

## **5.15 ON-SITE CATERING POLICY**

“On-site Catering” is defined as:

The provision of any food/beverage that undergoes a process whilst on the MFM site that alters the state in which the food/produce was brought to the MFM for sale.

A limited number of stalls will be allowed, at the discretion of the NBFM Committee, to sell food and drinks [hot and cold] prepared on site and that can be consumed on or off site.

No food vans are allowed.

Products and samples can be prepared on equipment such as an electric grill or gas hotplate that can be accommodated within the confines of the stallholder’s site and prepared within Byron Shire Council guidelines.

Stallholders with a product suitable for sale at a stall run by an on site caterer can approach the on-site caterer to offer their product for possible inclusion on the menu. eg foodstuffs that could be sold on beverage stalls.

MFM will provide tables and seating in the Showground’s Old Beer Hall and Bar, for the consumption of beverages and foodstuffs bought at the market.

## **5.16 CANCELLATIONS/CESSATION OF TRADING**

Stallholders ceasing trade at the market either temporarily or permanently need to inform the Market Manager 2 weeks in advance.

## **5.17 SITE ALLOCATION**

Stall sites will be allocated taking into account stallholder requests and needs and the best interests of the Market at the discretion of the Market Manager and the Committee

Stalls requiring power will be situated in the allocated ‘power access zones’.

The Market Manager will endeavor to keep regular stallholders in the same position each week but permanent site allocation is not guaranteed.

Market sites cannot be automatically transferred. If a participating stallholder sells his business, he may apply in writing with the new owner to renew permission to trade at the market. Committee approval of the new stall is subject to:

- a) A satisfactory farm/site visit completed at the stallholder’s expense.
- b) Committee satisfaction that the new stall and stallholder comply with MFM rules and regulations and will bring benefit to the market.

## **5.18 STALL SITES**

Stalls must have a 3m frontage and erected within the boundaries of each allocated site.

Stalls must not exceed the 3m designated area. If the stallholder requires more space he can apply for a double stall site, availability of which will be at the discretion of the Market manager.

Exceeding designated stall space will constitute a breach of market rules

All tents, overhead shades and poles must be securely fixed and not be positioned to cause obstruction or danger to any person on the Market site. Tents must be secured with tent pegs or weighted objects situated at the legs of the tent.

Stallholders may erect shade umbrellas in front of their stall to shade sun and heat susceptible produce following consultation with the Market Manager. Umbrellas must be securely pegged and not create trip hazards.

Stallholders must maintain their individual site space in a clean and sanitary manner.

At the end of each Market, the stallholder is responsible for all the stall’s waste, must leave his/her site clean and take all waste off-site.

## **5.19 POWERED SITES**

A limited number of powered sites are available. Stalls using power will be charged a \$5 weekly power fee [to be paid with monthly fees].

On-site power can only be used with the authorization of the Market Manager. Powered sites will be allocated, dependant on availability, by the Market Manager on application by the Stall- holder. For rules on power leads and tagging see section 9.3 No generators will be allowed.

## **5.20 STALLHOLDER OBLIGATIONS – STALL AND PRODUCT SIGNAGE**

All stallholders must have signs that display their name and address, and business trading name whilst trading at the Market. Stalls must be able to be clearly identified by the customer..

### **LABELING**

All products must comply with the labeling requirements pursuant to the Australia New Zealand Food Standards Code and other relevant legislation.

### **WEIGHTS & MEASURES**

All goods packaged on the market site must be weighed according to the National Measurement Act 1960 (C'th). Scales must be certified and weighing procedures clearly visible to customers. Stall holders must provide the opportunity for customers to check the weight of packaged goods should they ask to do so.

### **PRODUCTS & PACKAGING**

Produce and products must be packed locally. Wherever possible packaging should be minimal and compostable or able to be recycled. Plastic carry bags other than produce bags will not be permitted . Recycled cloth bags will be available for consumers to purchase at the market..

### **ACKNOWLEDGEMENT OF USE OF OTHER MFM STALL HOLDERS' PRODUCE**

Any ingredients sourced from other stallholders need to be listed and displayed.

## **5.21 ACCESS TO MARKET SITE**

Access to the site for stallholders is from 5.45 am on Market Day.

Normal trading hours for the Market are between 7am and 11am on Market Day. Committee has the right to change hours if deemed necessary

Stallholders are required to have their stall ready, with all exhibits displayed for sale, by no later than 7am. Stalls must be open and properly staffed for the entire trading period, unless sold out.

No vehicle movement within the designated market stall area will be allowed between 7am -11am.

Stalls cannot be dismantled until the close of the Market.

All vehicles not used in the sale of produce or product must be garaged off the stall site zone no later than 6.55am on Market Day.

Stall access is only through the Coral Ave gate. The gate will be closed at 6.45 am.

## **6.1 ALLOWABLE PRODUCE**

Priority will be given to stallholders supplying high quality local produce..

No genetically modified products/ingredients are allowed.

Local is defined as in the Byron, Tweed, Ballina or Richmond Shires. In special circumstances goods from outside the defined local area may be approved by the Committee. In special circumstances goods from outside the defined local area may be approved by the Committee. Goods are to be sourced from areas as close to Mullumbimby as practical. In circumstances where a product is not available locally but is deemed by the Committee to benefit our local community, it will be considered for inclusion in the market. The Committee has final say in what products will be sold at the market.

## **6.2 CATEGORIES OF ALLOWABLE PRODUCE**

### **FRESH PRODUCE**

Grown, reared, caught, processed locally

Fruit and Vegetables

Herbs

Coffee

Mushrooms

Meat products

Dairy

Eggs

Honey

Poultry –live and dressed

Seafood-caught/farmed in local coastal /inland waters

### **DRIED GOODS**

If unavailable in the local area they need to be sourced from, in order of preference: NSW, SE Queensland or Australia and subject to Committee approval in special circumstances

Nuts, grains and pulses

Herbs and spices

Dried fruit

### **VALUE ADDED FOOD PRODUCTS**

Made locally with approved products sourced from other NBFM stallholders from predominantly local products.

Baked Goods

Bread

Confections

Pasta

Preserves, pickles, jams

Wine

Juices and cordials

Oils derived from vegetables, nuts or seeds

### **NURSERY/HORTICULTURAL PRODUCTS**

Grown locally

Food plants

Native plants

Garden plants

Flowers

Seeds must be vegetable, herb & flowers seeds.

Produced by an approved grower on the approved farm/premises .

Compost

Bagged manures

Mushroom compost

Cane /straw /hay/mulch

Worm juice and compost



Liquid manures

#### ALLOWABLE FOOD RELATED ARTISINAL PRODUCTS

Produced locally from local products where possible

Handcrafted wood, stone, metal, ceramic, glass, cloth, paper and natural or recycled products.

Handmade soaps/detergents

Bees wax candles

#### ALLOWABLE LIVESTOCK AND SUNDRY

Raised locally

Live poultry

Rabbits

Guinea pigs

Other livestock:dependent on local restrictions.

Sundry-Bee keeping equipment

Small livestock must be kept in cages under conditions that meet RSPCA regulations. .

### 7. COMMUNITY GROUPS AT MFM

Community groups may apply to have a fundraising stall or a stall to disseminate information to the local community .The NBFM committee has the right to determine stall suitability, whether a site fee needs to be paid and allocation of site.

### 8. MFM SPONSORSHIP OF STALLS

To encourage the development of new small local businesses MFM offers a market stall incubator program. MFM will provide a market tent, table and insurance cover for a period of 4 weeks for starting up businesses that meet market criteria. Applications are to be made to the NBFM committee. The committee has the right to determine eligibility and acceptance. Only one sponsored stall will operate in any month.

### 9. HEALTH & SAFETY ISSUES

#### 9.1 GENERAL

All stallholders must comply with the NSW HEALTH & BSC STANDARDS in addition to all relevant National Food Safety Standards.

All food businesses must have a current food stall permit from BSC.

All baked or value-added goods must be made in a kitchen/food premise approved by Byron Shire Council or the stallholder's relevant Local Council. (Contact Local Councils for details)

It is the responsibility of each stallholder to apply for any licenses or permits required for selling or producing their products to the public. A copy of the licenses /permits must be given to the Market Manager prior to trading at the Market.

All stallholders must comply with the Market/ BSC Market food stall checklist

#### 9.2 PRODUCE/PRODUCTS

All food must be kept off the ground at all times.

All unpackaged, value-added products for sale at the Market must be covered and sneeze barriers used if necessary.

Gloves, tongs and other utensils must be used when handling un-packaged food to avoid hand contact.

Tastings of product must be accompanied with individual disposable tasting spoons or sticks and a container provided for their disposal. All samples must be covered.

All stalls selling food must have access to hand washing facilities and provide single use towel facilities.

All foodstuffs that require chilling must meet BSC food chill regulations.

Any stallholder who is cooking on site with electric or gas equipment must have a fire blanket and an annually tagged fire extinguisher in the stall space.

### **9.3 ELECTRICAL TESTING AND TAGGING REQUIREMENTS**

All electrical cords must be tagged by a certified electrician in accordance with AS 3002-1985 "Electrical installations -Shows and Carnivals". Leads need to be regularly tested [every 6 months] and the current tag needs to be attached.

All electrical cords must be safely and securely attached and raised to 2-4 metres above the ground and clear of space used by the public.

All electrical fittings, equipment or materials are subject to inspection by the Market Manager

Any electrical equipment without a current compliance tag will be tested and tagged at the stallholders' expense.

If any such electrical fittings, equipment or materials are deemed not to be safe by the Market Manager they shall be removed from the site at the expense of the stallholder.

All electrical malfunctions must be reported to the Market Manager.

### **9.4 GAS /ELECTRICAL EQUIPMENT AND FIRE SAFETY**

Any stallholder cooking with or using electricity or gas equipment is required to have a fire blanket and an annually tagged fire extinguisher. It is the responsibility of the stallholder to ensure they know how the extinguisher is operated.

No gas appliances are to be used on site without the express approval of the Market Manager.

It is the responsibility of the stallholder to regularly check all gas bottles and equipment attached to gas bottles to ensure gas hoses and attachments are not faulty and that bottles are date compliant.

### **10 SMOKING**

The Market is a non-smoking venue.

### **11 DOGS**

The Market is a dog-free venue, with the exception of guide-dogs.

No dogs on leads allowed.

### **12.1 MARKET COMMUNICATIONS**

All stallholder queries /suggestions are to be passed to the Market Manager who will forward them to the NBFM committee.

### **12.2 COMPLAINTS BY CUSTOMERS OR STALLHOLDERS**

All oral complaints by customers or stallholders must to the Market Manager where they will be noted'

The Market Manager will inform the NBFM Committee of all complaints.

Should the complaint not be resolved, a formal, written, complaint can be made by customers and stallholders. Written complaints should be addressed to:

NBFM Committee  
PO Box 2120  
OCEAN SHORES 2483