

Adelaide Hills Artisans Market Rules 2012

Adelaide Hills Farmers Market Inc. Committee
PO Box 440 Mt Barker SA 5251

Table of Contents

Mission	
Objectives	
Operational Rules of the Adelaide Hills Artisans Market	
1. Operation of the Market	
2. Responsibility of the Market's Operations	
3. Market Manager or authorised member	
4. Member and Memberships	
5. Stallholders and License to Trade	
6. Product Origin	
7. Stallholder Rules and Obligations	
8. Insurance	
9. Market Operation	
10 Site Fees and Payment Options	
11 Site Allocation and Access to Market	
12 Signage, Labeling, Measuring and Packaging Rules.....	
13 Policies and Statutory Requirements	
14. Environmental Health Regulations	
15. Customers & Visitors to the Market	
16. Complaints and Grievances	
17 Occupational Health, Safety and Welfare	
17.1 OHSW Policy Statement	
17.2 Electrical Tagging	

17.3 Lifting - loading and unloading of goods	
17.4 Tents and Umbrella safety	
17.5 Gas and Fire safety	
17.6 Restricted Areas	
17.7 First Aid and Emergency Responsiveness	
17.8 Accident Reporting	
17.9 Evacuation	
18. Delegation of Authorities	
19. Disclaimer and Liability	
20. Appendices	
21. Annexure 1 – Stallholders information pack	

Adelaide Hills Artisans Markets (AHAM)

- a not-for-profit community event run by the Adelaide Hills Farmers Market Inc. (AHFM)

Market Rules and Responsibilities for Stallholders and Non-Stallholders

Developed by the AHFM Market Rules sub-committee June 2012

Mission of the AHAM

Operate a sustainable commercial Artisans Market that will promote, develop, assist and support local emerging and existing artisans using local materials to sell their products to consumers. Provide support for the AHFM and its stallholders by increasing attendance at the Farmers Market and exposing the Farmers Market to a wider range of customers, helping to ensure long term viability of both Markets.

Objectives:

The overall objective of the AHAM is to achieve sustainable commercial trading outcomes which will add quality, social, health and educational benefits to the community.

More specifically, the AHAM aims to:-

- Promote, develop & support artisans in the Adelaide Hills region
- Support and facilitate sustainable commercial trading and business development for artisans.
- Assist the development of emerging artisans from the region
- Provide the infrastructure to encourage market traders to sell high quality items produced in the region
- Provide a public forum that maximises interaction between the consumer and the artisan to add educational and social values to art in the Adelaide Hills
- Provide a venue that is enjoyable, friendly, safe and fun for all stakeholders
- Attract people from adjacent regions to buy products and to enjoy the distinct Adelaide Hills atmosphere
- Celebrate cultural diversity
- Utilise the Market as a venue that fosters beneficial activities for the community

Operational Rules of the Adelaide Hills Artisans Market

1. Operation of the Market

The AHAM will be administered and run by the Adelaide Hills Farmers Market Inc. and its Committee.

1.1 The Adelaide Hills Artisans Markets (AHAM) thereafter called ‘market’ will operate

from a site at or adjacent to 23 Mann Street, Mount Barker the first Saturday of each month from 8.00 am to 12.00 midday; unless advised differently by the Market Manager or an authorised member of the AHFM Committee. A different site may be identified over time.

1.2 The market may also operate, from time to time, on different days and at different times and in synergy with other events that may happen in the region.

1.3 Operational dates and times of the market are determined at the discretion of the Market Manager or an authorised member of the AHFM Committee.

2. Responsibility of the Markets operations

2.1 The AHFM is an incorporated not-for-profit Association and operates in accordance with the Constitution of the AHFM as prescribed under the Associations Act 1985 with the main aim to act as a community event.

2.2 The activities of the AHAM will be administered by the AHFM Committee. The Committee is responsible for the overall management of the Market and is made up as detailed in the Constitution.

2.3 The Committee will be responsible for the management of funds, assets/property of the Association and will be the legal body responsible to enter into contracts, agreements and engagements, raise revenue through membership contributions, stallholder fees and expend monies for essential services and requirements to conduct the general business of the AHAM.

2.4 The AHFM committee will have the powers and authorities as set out in the Constitution of the Association.

2.5 The AHFM committee has the power to appoint a 'Market Manager', contractors or staff to conduct the day-to-day activities and to manage the operations of the market. Specific tasks will be set out in Position Descriptions (PD's) developed by members of the AHFM Committee.

3. Market Manager or authorised member

3.1 The Market Manager or an authorised member of the AHFM Committee will be responsible for the overall operation of the monthly market to ensure that all Stallholders comply with and adhere to the Constitution of the Association, the Market Rules and any policies and procedures that are prescribed by the AHFM committee.

3.2 The Market Manager or an authorised member of the Committee is responsible to report to the Committee at intervals determined by the Committee on operational, financial, safety, health or environmental issues or other items as required.

4. Member and Memberships

AHAM Stallholders must be members of the AHFM and the annual membership payment of \$ 50.00 is payable prior to an AHAM licence to trade being granted.

4.1 Organisational members must nominate a single individual 'nominee' to represent the organisation. Organisation members can appoint one (1) nominee, only.

4.2 Members must agree to support the objectives of the Association and be bound by the Rules of the Constitution.

4.4 Membership fees are set by the AHFM Committee and reviewed annually as specified in Schedule 1.

4.5 Membership benefits will be determined by the committee, from time to time, and may be withdrawn at any time. This will include until otherwise determined an entitlement to a discount card which on presentation to stallholders entitles a member to a discount of 10% on the full price of goods available for sale by stallholders.

4.6 The right to obtain a member's discount applies to the individual member. The Member's discount card is strictly non-transferable and any breaches will result in any discount benefits being terminated forthwith and the discount card confiscated and returned to the Association.

4.7 The members' discount card remains the property of the Association and the member must hold and present to the stallholder at the time of each purchase a valid membership card to receive members' discount.

4.8 Termination and suspension of membership is detailed in the Constitution Rules 11 through 18.

4.9 Members that wish to trade at the market need to apply to the committee or its authorised officers for a 'Licence to Trade'. The committee will assess all applications against a set of trading criteria (Qualifications to Trade) and will inform the applicant if a licence to trade will be granted.

4.10. Trading criteria are set out in the 'Qualifications for Licence to trade' which are detailed in Schedule 3.

5. Stallholders and License to Trade

5.1 All Stallholders must be residents of South Australia

5.2 Artisans that wish to trade at the market need to apply to the AHFM committee or its authorised officers for a 'Licence to Trade' as detailed in the Stallholders Information Pack [**Annexure 1**], and provide any additional information that may be required. The committee will assess all applications and will inform the applicant if a licence to trade will be granted.

Trading criteria are set out in the 'Application for Licence to trade' which are detailed in Schedule 3.

5.3 It is at the absolute discretion of the AHFM committee to conduct site audits on the property of the artisans and their premises. Audits may be conducted when an initial application is made and thereafter at no more than 12 monthly intervals.

5.4 A stallholder must be a current member of the AHFM and have paid the membership fee.

5.5 Failure to comply with Rule 5.1 to 5.4 will result in refusal of entry the market site for trading.

5.6 A License to trade is not transferable and cannot be sold as a chattel of a business transaction. In the event that a business is sold or leased, the new business owners or their nominee must apply for a licence to trade to the committee.

5.7 If the stallholder is a body corporate a transfer of shares totaling more than one-half of the issued share capital in any one year period after the issue of the Licences to trade shall constitute a transfer of the Licence which is not permitted by these rules and will result in the cancelation of the Licence to trade issued by the AHFM committee to the stallholder.

5.8 A stallholder that is a body corporate shall be required to submit, in a form determined by the committee and whenever requested by the committee, a list of

shareholders and their shareholdings and such further information as the committee require, including but not limited to, the identity of the beneficial owners of those shares.

5.9 Relevant not for profit community organisations may be, from time to time, invited to attend and carry out trading or provide information on community activities at the market on a casual basis but are required to support the overall objectives of the AHAM.

6. Product Origin

6.1 All products for sale at the AHAM must have been produced in the Adelaide Hills region unless pursuant to Rule 6.4, the product has been approved by the AHFM committee or its authorised member and qualifies under the Licence to Trade and is listed in the approved product list.

6.2 The Adelaide Hills region is defined as the regions of the Adelaide Hills within the boundaries of the Adelaide Hills Council and the Mount Barker Council. A map is included to outline the region [**Appendix 1**].

6.3 All products for sale at the AHAM must have been produced by the stallholder from materials (where possible) sourced from the Adelaide Hills Region, unless pursuant to Rule 6.4, the product has been approved by the committee or its authorised member and qualifies under the Licence to Trade.

6.4 The Committee may consider applications made by artisans and producers that wish to offer for sale goods that are not produced within the Adelaide Hills region provided that they qualify under the License to Trade

6.5 All permitted products are listed in the **“Application for Licence to Trade”**.

Preference will be given to product that is made locally by locals with local materials and approved by the committee or its authorised officers under the Licence to Trade.

6.6 In addition to the criteria applied to determine issuing the License to Trade, the Market Manager or an authorised committee members will act, at all times, with integrity and with a social conscience and consideration of achieving a balanced offering of products when making decisions on issuing or refusing a Licence to Trade.

7. Stallholder Rules and Obligations

7.1 All stallholders are responsible for the safe operation of their stalls. In particular, they must:-

- be operated by the owner, a relative or employee of the stallholder
- have good knowledge of the product(s) for sale
- sell only those products that have been listed and approved by the committee or its authorised officers under the Licence to Trade
- must provide a 10% discount of the advertised full price of all products to members that hold a valid AHFM membership card
- must clearly display both full and members' prices of the product

7.2 The Market Manager or an authorised member of the Committee has the absolute authority to ask the stallholder to remove product that is of sub-standard quality or does not comply with the Rules and/or Allowable Product List.

7.3 Stallholders are not permitted to re-sell or on-sell product or to carry product other than their own unless they have applied to the committee for permission to do so under their Licence to Trade.

7.4 It is the stallholders' responsibility to ensure that all certificates are current and

adequately displayed.

8. Insurance – is there any way an AHAM stallholder can be included under our insurance for a fee if they do not have their own?

8.1 It is the stallholders' responsibility to carry sufficient public and product liability of retail sale insurance cover of no less than \$ 10,000,000 for Public Liability.

8.2 All stallholders must provide the Market Manager or an authorised member of the Committee with a copy of a '**Certificate of Currency**' before trading at the market.

8.3 It is the responsibility of the stallholder to renew insurance and to provide a certificate of currency to the Market Manager or authorised member of the Committee following the renewal of insurance.

8.4 If no adequate or current insurance cover can be provided the Market Manager or an authorised member of the Committee has the authority to prevent a stallholder from trading and to refuse entry to the market.

9. Market operation

9.1 Market days will be held monthly on the first Saturday of each month and may operate at other times at the discretion of the committee.

9.2 All Stallholders that wish to trade at the AHAM need to make a commitment to trade regularly for the majority of the year. Periods of non-trading need to be identified and communicated to the Market Manager or an authorised member of the Committee ahead of time. Preference is given to stallholders that will commit to attend the market for most of the year.

9.3 Site bookings need to be made 1 month in advance.

9.4 Site bookings can be cancelled up to Thursday 10am prior to the market day.

9.5 If sites are cancelled after 10am on the Thursday prior to the market it may result in a stallholders Licence to Trade being rescinded.

9.6 At the discretion of the committee or its authorised officers casual stallholders may be invited to participate from time to time.

10 Site Fees and Payment Options

10.1 Site fees must be paid on the day of the market

10.2 Payments can be made either by Cash or cheque

10.3 The fees for the sites are detailed in the Application for Licence to Trade. Fees can be reviewed at any time are reviewed annually by the committee.

11 Site Allocation and Access to Market

11.1 Access to the allocated site adjacent to 23 Mann Street for stallholders is from 6am on market day, for trading between the hours of 8am to 12 noon. These hours may be changed at the discretion of the committee or its authorised officer.

11.2 All stallholders are required to have their stalls ready, with all products displayed for sale and appropriately labeled by the start of the market. Stallholders are not guaranteed a specific site; all site allocation will be at the discretion of the Market Manager.

11.3 It is the stallholders' responsibility to ensure that the stalls are appropriately staffed for the entire time of the trading hours of the market and are not dismantled until the closure of the market.

11.4 Stallholders must park cars not used for trading in the area specifically reserved for traders.

11.5 Stallholders must comply with the rules relating to site access, occupancy, OHS, and any other rule set out in the lease agreement between AHFM and the Department for Transport, Energy and Infrastructure and/or any other parties.

11.6 Vehicle access to the market is determined by the Committee or its authorised officers. Vehicles must not be moved within the Market trading area during Market trading hours or the 15 minutes prior to the commencement of trading. The Market Manager or an authorised member of the Committee has the authority to temporarily waive this condition in extenuating circumstances.

11.7 Generators are not permitted to be run during the trading hours of the market without the authority of the Market Manager or an authorised member of the Committee.

11.8 Stallholders requiring power must apply for the use of power to the committee or its authorised officers. On-site power will be allocated by the Market Manager or an authorised member of the Committee at a fee as set out in **Schedule 2**.

12 Signage, Labeling, Measuring and Packaging Rules

12.1 All stallholders must have signage that displays the Trading Name, address and contact details of the trading entity.

12.2 Signage must be kept within the allocated space.

12.3 The Market Manager or authorised member of the Committee has the right to request removal of inappropriate signage.

12.4 All product labeling must be compliant to relevant regulatory or legislative requirements.

12.5 All products sold at the market must be packaged in South Australia and wherever possible packaging shall be:-

minimal, recyclable, and environmentally friendly

in re-usable bags

compliant with current packaging recommendations and legislations

13 Policies and Statutory Requirements

13.1 The market rules are underpinned by a number of policies and statutory requirements and it is the responsibility of the stallholder to be compliant and familiar with the relevant policies and codes including but not limited to:-

13.1.1 OHS & Welfare Act of SA (Safe Work practices) <http://www.safework.sa.gov.au/>

13.1.2 AHAM Health and Safety Policy (inc. Smoking, Catering and preparation of food and hygiene)

14. Environmental Health Regulations

It is the responsibility of the stallholders to operate under the guidance of the

environmental health regulations prescribed in the following documents:-

Public and Environmental Health Act 1987

Public and Environmental Health Regulations,

Public and Environmental Waste Control Regulations,

14.1 The Market Manager or an authorized member of the AHFM Committee has the power to ensure that stallholders adhere to principles relating to Environmental Health by:-

Ensuring effective and safe management of wastes

Providing environmental protection

Preventing environmental and public health nuisances

Promoting the physical, mental and social well-being of members of the community

15. Customers & Visitors to the Market

15.1 The AHAM applies a non-discriminatory policy and people from all walks of life, regardless of their backgrounds, their social, economic, religious or sexual preference are welcome to attend the market.

15.2 The AHAM encourages healthy living and as such the Market is a non-smoking venue

15.3 The AHAM encourages suggestions to improve the market which are to be directed to the Market Manager or an authorised member of the committee.

16. Complaints and Grievances

16.1 All complaints about the operation of the market or specific issues relating to trading activities need to be made to the Market Manager in the first instance (oral or in writing), who will aim to resolve the problem. It is the responsibility the Market Manager to report to the AHFM committee on complaints, at regular intervals.

16.2 All complaints not resolved by the Market Manager (a “serious complaint”) are to be forwarded in writing to: - **The Chairperson, Adelaide Hills Farmers Markets, PO Box 440, Mount Barker 5251**

16.3 The written information must detail the complaint.

16.4 The Chairperson will then refer the serious complaint to the committee or such other persons designated by the committee (“the complaints panel”) as the chairperson sees fit.

16.5 The complaints panel will consider the serious complaint and make a decision to attempt resolution of the serious complaint. If a resolution is not achieved, then the serious complaint shall be referred to an independent mediator to be agreed between the parties or otherwise appointed at the request of either party. The costs of the mediator are to be paid by the parties at the discretion of the mediator.

16.6 Any person who lodges a serious complaint in accordance with these Rules must agree to enter into mediation in good faith and as a prerequisite to any further actions.

17 Occupational Health and Safety and Welfare AHFM

17.1 AHFM OHS Policy Statement

AHFM is committed to provide a safe environment that is free of hazards for its stallholders, visitors and any other person that visits the AHFM or AHAM. The AHFM will ensure a safe environment through leadership and commitment to OHS, awareness and training of its contractors, staff and committee members and will be compliance with relevant OHS legislation and regulations. AHFM will regularly review its OHS policy and procedures and will identify and develop mechanisms and processes that eliminate risks and improve OHS at the market.

AHFM OHS policy is based on the principles of the OHS standard **AS/NZS 4801:2001**.

17.2 Electrical Tagging

17.2.1 The AHAM requires that stallholders using electrical appliances (portable electrical item that can be plugged into a power point) are tested and tagged in accordance to the OH&S Regulations and comply with the Australian standard AS/NZS 3760:2003. It recommends that appliances be inspected at regular intervals ranging from six months through to five years, depending on the appliance.

17.2.2 In order to comply with these requirements, all stallholders should have the following in place:

- Regular visual inspections to ensure that all electrical cords and plugs are not damaged.
- A test tag attached to each item indicating date, item, person performing the test, and status (pass/fail) of test
- An asset register and historical record of all test items and test results
- A record of results including faulty items and repair action

17.2.3 It is at the absolute discretion of the Market Manager or an authorised member of the Committee to request that electrical equipment will be tagged or request the removal of equipment if deemed unsafe or if test tags are expired or not present.

17.3 Lifting - loading and unloading of goods

The AHAM encourages all stallholders to minimize potential injury through inappropriate handling and lifting of loads. All stallholders are encouraged to make themselves familiar with the SafeWork SA guidelines and booklet on manual handling [**Appendix 3**].

http://www.safework.sa.gov.au/uploaded_files/mh_booklet.pdf

17.4 Tents and Umbrella safety

17.4.1 It is the stallholders' responsibility that all tent and associated shade provisions are secured with proper tent peg and/or weights regardless of weather conditions.

17.4.2 Tables and other display fixtures must be sturdy and not overloaded and it is the responsibility of the stallholder to ensure regular maintenance.

17.5 Gas and Fire safety

17.5.1 Gas appliances are not permitted on site without the expressed permission from the Market Manager.

17.5.2 Where the use of gas appliance has been approved, it is the stallholders' responsibility to have regular checks of hoses, bottles and attachments and that gas bottle must have date compliance and gas flow regulators are tested and compliant.

17.5.3 The stallholder is responsible required to have a working fire extinguisher and the knowledge of how to operate it.

17.5.4 It is the responsibility of all stallholders that uses gas appliances to ensure that all staff are trained adequately in the use of the appliance., extinguishing fires being aware of the site of the next extinguisher.

17.6 Restricted Areas

It is the responsibility of the Market Manager or its authorised officer to ensure that unsafe areas or areas that are **off limit** are clearly marked and if necessary identified or closed. It is at the discretion of the Market Manager or its authorised officer to remove any person from the market area if off limit areas are ignored.

17.7 First Aid and Emergency Responsiveness
All Stallholders need to be familiar with the emergency information flow chart in emergency response at the AHAM location [**Appendix 4**].

17.8 Accident Reporting

17.8.1 All accidents of stallholders need to be reported on the accident report form [**Appendix 5**].

17.8.2 It is the responsibility of the Market Manager and/or AHFM Committee to review practices to reduce the risk of accidents through Risk Assessment and harm minimisation procedures.

17.8.3 The Market Manager will report to the Committee on the occurrence of accidents and suggested procedures to reduce them in the future.

17.9 Evacuation

Stallholders must be aware of evacuation procedures and when instructed by the Market Manager or authorised committee member ensure that all staff and any persons close by are directed to the designated assembly point. Evacuation procedures will be developed with the relevant staff at the TAFE car park and all stallholders will be instructed in the Evacuation procedures. These are also available from the Market Manager [**Appendix 6**].

18. Delegation of Authorities

The AHFM committee has the power to delegate responsibilities to the Market Manager or other authorised person of the AHFM committee for all day-to-day operations of the market. Specific responsibilities are listed in the Position Description for the Market Manager. If the Market Manager is appointed as a contractor, the Market Manager may delegate some tasks to a subcontractor that is working on behalf of the Market Manager at the market however, the accountability for the task and ultimate responsibility for the task still rests with the Market Manager.

At all times, financial sign off authorities need to be observed by all committee members and the Market Manager.

19. Disclaimer and Liability

The Stallholder agrees to indemnify, defend and hold harmless the Association and its members and employees from and against any and all damage, claims, losses, liabilities, costs, fees, demands or expenses (including legal fees) of whatsoever nature including but not limited to bodily injury of any person or persons (including death) or property damage that is caused by or arises from any breach for non-observance of the Rules of the Association and Licence to Trade issued to the Stallholder, or any act, omission, neglect or default of the Stallholder or any employee or relative or other person acting in the person of the Stallholder in or upon or in relation to the Stallholder's site in the Market, or in relation to any use, business or activity of or in or about the Stallholder's site or otherwise in the Market area relating to any activity on the Stallholder's site."

20. Appendices

- Appendix 1 – Map to show Adelaide Hills Region
- Appendix 2 – SafeWork SA, manual handling booklet
- Appendix 3 – First Aid and Emergency response
- Appendix 4 - Accident and Incident form
- Appendix 5 – Evacuation procedure

21. Annexure 1 – Stallholders information pack

- Copy of AHFM Constitution
- Application for Licence to trade,
- Map of the Adelaide Hills Region
- SafeWork SA Manual handling booklet
- First Aid and Emergency responsiveness
- Accident and Incident form
- Evacuation procedure
- Checklist for all documents