

## By-Laws

*Stallholders must abide by the following By-Laws. Attendance and the submission of an application to attend the Broome Markets is deemed to be acceptance of the following By-Laws.*

### 1) Applications

- a) Approval of stallholders is as the sole discretion of the Market Committee.
- b) Broome Markets reserves the right to reject applications and not enter correspondence with the decisions made.
- c) Applicants may not appeal any decision made by the Market Committee.
- d) All applicants shall be informed in writing of their application.
- e) A successful application does not automatically guarantee a site allocation at any market event.
- f) Decisions made by the Market Committee are not reviewable and market management reserves the right to not provide reasons for their decision or engage in discussions about the decision-making process.

### 2) Trading Categories

- a) The Management Committee are particularly interested in seeing products that are not well represented in the markets and for stallholders that can provide something different. The following products are currently closed
  - 1. Imported fresh-water pearl products
  - 2. Jewellery (exceptions for local handmade unique pieces)
  - 3. Off-the-rack imported clothing
  - 4. South-East Asian cuisine
  - 5. T-Shirts
  - 6. Souvenirs
- b) Tour operators & local business promotion stalls are only permitted to promote services at the markets. They cannot sell promotional merchandise. Selling mass produced promotional merchandise takes away from the small artisan vendors.
- c) Commercial enterprises such as restaurants and retail stores with a shop front are not permitted to trade at the Courthouse Markets. Commercial enterprises may trade at the Town Beach Night Market.

### 3) Casual Traders

- a) All new stallholders are classified as FRIEND OF THE MARKETS if they are Broome residents or casual stallholders if they are not local residents



- b) Casual stallholders must apply for individual markets (unless written approval has been given by the market management for their ongoing attendance).
- c) Casual stallholders are required to be approved by the market management to trade at any of the Broome Markets and receive written approval prior to trading day.
- d) If you are accepted to trade at the Broome markets, casual stallholders who sell

handmade items may trade on a Saturday only. Casual stall holders who are accepted to trade on a Saturday and sell imported (or off the shelf items) must also pay and attend on the Sunday.

#### **4) Casual Stallholder Allocation**

- a) All casual stallholders are subject to stall availability. There is no guarantee a site will be allocated for any given market event. Priority is given to Broome locals. Non-resident casual stallholders will be considered based on the following criteria:
  - i) Broome Handmade - create their own goods and services from Australian or Imported product;
  - ii) Broome Australian Made - have their goods made by others within Australia;
  - iii) Broome Imported - Import goods from overseas that have a benefit to the diversity of the markets;
  - iv) Non-Broome Handmade – create their own goods and services from Australian or Imported product
  - v) Non-Broome Australian Made - have their goods made by other in Australia
  - vi) Non-Broome Imported - Import goods from overseas that have a benefit to the diversity of the markets
- b) Long term casual stallholders have priority over new casual stallholders.
- c) As a casual stallholder there is no guarantee of the same site at each market day. Market management reserves the right to change the allocation and/or location of a stall and not enter into correspondence regarding the decision made.
- d) Stallholders will be advised prior to the market of their allocated stall. Trestle table stallholders will be allocated a trading spot on the day.
- e) Casual stallholders will forfeit their right to trade at the markets should they open a commercial outlet.
- f) Stallholders must notify the Market Manager on non-attendance as early as possible. Notification for this must be made in writing.
- g) Casual traders are required to register all goods to be sold at the market in their online application prior to trading. Additional goods and services for sale must first be approved by the Market Committee. The Market Committee has the right to refuse their sale at the Broome Markets based on the following criteria:
  - i) The good or service already being available for sale in the market; and
  - ii) The good or service being a direct duplicate of an existing product in the market.

#### **5) Courthouse Market Trading Hours**

- a) Trading hours at the Courthouse Market are from **8am – 1pm on Saturday and Sunday in the Dry season** and from **8am – 12noon on Saturday in the Wet season**.
- b) All food and drink vendors must be in their allocated trading spot with vehicles removed **by 6.30am**. All retail stallholder vehicles must be out of the Market area **by 7.30am**.
- c) **No vehicles permitted back into the market site prior to 1.00pm on Saturday and Sunday during the Dry season. During the Wet season no vehicles are permitted back into the market site prior to 12noon.** If you intend to leave prior to these times the coordinator must first be informed, and the coordinator must supervise your safe departure from the Market site.

#### **6) Safety in Extreme Weather Conditions**

- a) If the ambient temperature on market days exceeds 40 degrees Celsius any trader may cease trade and depart the market site with the assistance of the market coordinator to supervise a safe departure from the market site.
- b) If the Broome weather forecast is predicted by the Australian Government Weather of Meteorology to be 45 degrees Celsius on the intended day of trade, then the market will be cancelled on that day, and no market event shall occur.
- c) When a cyclone is forecast and the Department of Fire & Emergency Services (DFES) issue an orange (watch & act) Alert all market events shall be cancelled. No market event will occur until an All Clear is issued by DFES and the market site is deemed safe to re-enter.

#### **7) Courthouse Market Day Operations**

- a) Vehicles must be unloaded quickly to allow other stallholders to access their site and to limit blockages on the roadway.
- b) No stalls, vehicles or trailers are allowed on grassed areas at any time.
- c) No stallholder is permitted to have dogs at the markets.
- d) Bikes and scooters are not permitted to be ridden within the Market site and must be pushed by hand.
- e) Children of stallholders must always be supervised and are prohibited from playing in and around the Courthouse buildings and toilet area.
- f) All stallholders are to ensure that all rubbish is removed from their site after packing up.

#### **8) Addition of New Products to Stall**

- a) All stallholders wishing to change an existing product or service and/or add a new product or service to their market stall shall first submit their request in writing to the Management Committee. No new product is to be sold until approval is given by the Management Committee. Requests from members for the addition and/or change of good and services will be prioritised.
- b) All new products or services approved must be sold within 12 weeks of written

approval. If the product or service is not sold within this timeframe, the approval is withdrawn and cancelled. A new product application would have to be re-submitted for approval.

## **9) Legislative Requirements and Insurance**

- a) All casual stallholders must have their own public liability and provide a copy to BCSA prior to trading at the Broome Markets. BCSA Inc. can provide Public Liability Insurance per market for an additional fee of \$15 (GST Inclusive per market).
- b) All food vendors must have their own public liability, product liability and Shire of Broome Health Certificate and provide a copy of all documentation to BCSA prior to trading.
- c) All massage therapists are required to have and display public liability and qualification.
- d) All products must comply with fair-trading and Australian standards and copy right laws.
- e) All health and medical products must have appropriate documentation for viewing and adequate public liability insurance.

## **10) Payment of Stallholder Registration Fees**

- a) Stallholder fees must be paid by 4pm, two days before trading. If payment is made on the day, it must be by card only and will incur a \$5.00 handling/service fee. Cash will not be accepted. If you have trouble with payment, contact the Market Manager at 0422 802 885. If a member is absent for more than two consecutive Saturdays without notifying the Market Manager, they may lose their permanent stall. Please notify the Market Manager of any planned absence the day before. In case of an emergency, notice must be given to the Market Coordinator by 7:00am on market day.
- b) In the absence of the Market Coordinator attending the stall for outstanding payment on any trading day, the trader must contact the Market Manager to have the fees paid by online payment or by having them deposited directly in the account of Broome Community Stall Holders Association Inc. prior to the next trading day if the trader wishes to continue trading at the Courthouse/ Night/Staircase Markets.
- c) If the fees remain unpaid, the stallholder will not be allowed to trade in subsequent weeks
- d) No refunds will be given on fees paid in advance of the market day unless extenuation circumstances apply or the market is cancelled. This is at the discretion of the Market Manager.
- e) If payment is received but trader does not trade this payment does not count towards the membership tier system.

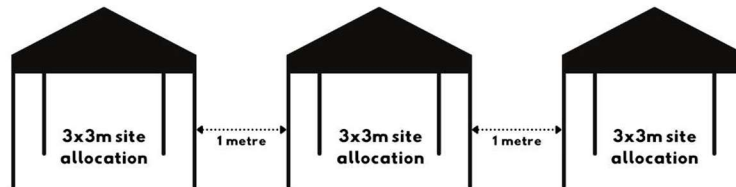
## 11) Stallholder Registration Fees

- a) Site costs will be determined annually by the management committee and notified on the website. Casual stall fees do not include Public or Product Liability. All prices include GST.

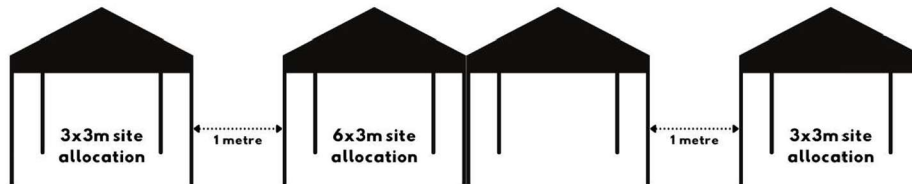
## 12) Site Set-up

- a) Table site set up allows a maximum of 2.4 meters of frontage, including display items. Umbrellas can be used as shade. No gazebo
- b) Standard 3mx3m stall is the maximum boundary including any display items and includes a 3mx3m gazebo
- c) Double stalls 3mx6m is the maximum boundary including display items and gazebo. A total of 10 double stalls maximum per market is permitted
- d) Each stall site has an additional 1 metre on either side of stall. This space functions as a walkway and is not for stall holders to extend their goods out into.

### Example of single site setup



### Example of double site setup



## 13) Food Vendors

- a) Are to comply with Health Regulations of the Health Department, if this is not adhered to your license and your entitlement to continue operations at the Markets may be revoked.
- b) All food stalls to submit menu to Committee. No direct duplication of food products on a Saturday or Sunday.
- c) Any change of menu must be submitted in writing to the committee for approval prior to sale.
- d) All licenses must be displayed at your site in view of the public.
- e) Food vendors are only permitted to use a generator in the Courthouse grounds with direction from the Market Manager or Market Coordinator into a generator specific site.
- f) All Generators must be under 50db at a distance of 7m as per shire requirements.
- g) Food vendors at the Night Markets at the Town Beach Reserve are allocated a maximum of 2 x 15amp of power to plug into. No additional power will be allocated to a vendor and generators are not permitted.

- h) Food vendors must register with the Market Manager prior to initial trading the total electrical drawing capacity of their van.
- i) Food vendors are encouraged to provide shade for waiting patrons, when space is available. There will be no charge for marquees used solely for patron shade and seating.

**14) Membership and Permanent Site Allocation**

- a) Membership is open to all Broome residents who support the objects of the BCSA. This is determined by proof of residency. 2 forms of identification as proof of residency in applicants' name. A membership fee shall be paid on approval of membership and invoiced January ongoing. All fees to be revised at AGM.
  - b) Annual membership fee and obligatory annual trading requirements for all past Chairs of Broome Community Stallholders Association Inc., who have served their term, will be waived for a lifetime in recognition of service and will be classified as a gold member.
  - c) A member can nominate a third party unrelated to that member to operate their market stall for up to three (3) months during the off season between October and Easter. Time off and sick leave during the high season that requires an unrelated staff member to carry out trading must be approved by the Management Committee.
- 1) If a site becomes available, gold members now have first option for available sites, silver then has second option for available sites and bronze third option. If two or more members in the same tier bid for the same available site, it will be granted on time served at the markets and/or flow of the market..

Membership Level	Benefit	Criteria
Gold	<ul style="list-style-type: none"> <li>• Eligible to vote</li> <li>•</li> <li>• Market place insurance</li> <li>• Choice of Stall site (changes only available as a site becomes vacant)</li> <li>• Invitation to Market events</li> <li>• Trading incentives at selected markets e.g. Dollars Days</li> <li>• Recognition on the market website</li> <li>• Priority exposure Facebook and market promotion sites</li> <li>• Newsletter</li> </ul>	35 + week trading

Silver	<ul style="list-style-type: none"> <li>• Eligible to vote</li> <li>• Market place insurance</li> <li>• Choice of Stall site (changes only available as a site becomes vacant, Gold members have first preference)</li> <li>• Invitation to Market events</li> <li>• Recognition on the market website</li> <li>• Facebook and market promotion provided</li> <li>• Newsletter</li> </ul>	30 + weeks trading
Bronze	<ul style="list-style-type: none"> <li>• Eligible to vote</li> <li>• Market place insurance</li> <li>• Position at market</li> <li>• Newsletter</li> </ul>	26-30 weeks trading
Friends of the Market	<ul style="list-style-type: none"> <li>• Position at market as available on the day</li> <li>• Provide proof of PLI</li> <li>• Will have preference before out-of-town trader</li> </ul>	Broome resident

- a) Priority of membership is given to:
- i) Broome residents who create their own goods and services.
  - ii) Broome residents who design their own goods and services but have them manufactured externally to Broome; and
  - iii) Broome residents who import goods and services that benefit the diversity of the markets.
- b) Members are permitted to have a commercial outlet as long as they continue to trade at the Broome Markets. However, if a member with a commercial outlet stops trading at the markets, they will not be eligible to return as a stallholder while still operating that outlet.

### 15) Resumption of Stall Site

- a) False or misleading statements and information submitted on any application form will result in a review of membership by the Management Committee.
- b) Hindering of other stallholders will incur immediate remedial action from the Market Coordinator and/or the Management Committee. Such actions include:
  - i) Smoke from cooking;
  - ii) Loud music;
  - iii) Intrusion of stall space;
  - iv) Plagiarism;
  - v) Vocal or physical abuse; and
  - vi) Defamatory remarks or comments regarding a stallholder's product.
- c) Any illegal activity, including the smoking of illegal substances will not be tolerated in the market site. Stallholder will first receive a verbal warning from the Market Coordinator followed by one written warning from the Management Committee

following which the stallholder will not be permitted to trade.

#### **16) Sale of Business**

- a) The seller must notify the Management Committee in writing of their intention to sell their business/market stall.
- b) The sale of a business is exclusive of the transfer of market site. The aspect of the sale of business include equipment, stock and any rights to use any names only.
- c) Membership to the Broome Community Stall holders Association Inc. is not included in the sale of the business.
- d) The buyer of the business will be considered a FRIEND OF THE MARKET until they have traded for 26 weeks out of 12 months and qualify for membership. Upon the Management Committee's approval of membership, the buyer may apply for a permanent trading site.
- e) Preference will be given to a stallholder/vendor that has registered their interest with the Broome Markets and is on a waiting list over a new trader who has purchased a business.
- f) The Management Committee will consider the impact the sale of a business/stall will have on the market site as well as the impact of relocation of that business/stall.

#### **17) Dispute Resolution Process**

- a) Proper Broome Market behavior is working together as a community of stallholders and representative of the Broome Community. Good behavior and good feelings create good business.
- b) Stallholders must first attempt to resolve the dispute amongst themselves failing which the Market Coordinator or Market Manager may assist to resolve the dispute.
- c) Failing resolution, the stallholder may request in writing intervention from the Management Committee following the communication process.
- d) Full details of the DRP can be found in the constitution and/or DRP flow chart.
- e) Communication is governed by the communication policy

#### **18) Policies and Procedures**

- a) Social Media Policy
- b) Bullying and Harassment
- c) Market day Procedure
- d) Communication Procedure

#### **19) Enquiries**

- a) The Market Manager can be contacted via email [info@broomemarkets.com.au](mailto:info@broomemarkets.com.au) or by phone 0422 802 885.
- b) The Management Committee can be contacted by email [info@broomemarkets.com.au](mailto:info@broomemarkets.com.au)

## DISPUTE RESOLUTION PROCESS BROOME COURTHOUSE MARKETS

- If Markets members approach committee members with an issue, they can be directed to the Coordinator.
- Committee members may 'hear out' a complaint but are asked to refrain from becoming involved.
- Once a complaint gets to committee it should be discussed at first meeting after it is received. Complaints to be put on Agenda/Minutes under correspondence.
- The person appointed to investigate a complaint should not be connected to either complainant if

