



Stallholder Application Terms & Conditions

March 2023
ABN: 89 391 157 870

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Our Agreement

By applying to participate in the Sutton Village Country Markets the Stallholder acknowledges that they have read and understood and agree to comply with these Terms and Conditions. Please ensure you read each point, so you understand what is required.

Market Management reserves the right to refuse a Stallholder who does not comply with the Terms and Conditions.

Trading Days & Hours

The current trading hours unless otherwise advised by Sutton Village Country Markets in writing will be the second Sunday of every month (except January) from 9:00am until 1:30pm.

All Stallholders must be ready to commence trade in time for the start of the nominated trading hours unless prior arrangements have been made with the Market Management.

Stallholders must not commence any pack down or bump out activity before the advertised closing time. Pack down must promptly commence at the advertised closing time.

In the event of inclement weather or safety requirements, Market Management may require Stallholders to pack up their stalls prior to the close of trade.

Stallholder Fees

Stallholder fees are listed below, they are not negotiable and must be paid in full upon invoice.

Stallholders Fees @ April 2023
3m x 3m ground area \$50.00 6m x 3m ground area \$80.00
All stalls outside of these dimensions please contact Market Management for stall fees.
Not for Profit Organisations are free (upon approval).

Please contact the Market Management directly via contact@suttonvillagecountrymarkets.com.au for further information.

Stall fees are subject to review and Stallholders will be notified of any changes to the pricing structure, a minimum of four weeks in advance.

Payment Procedure

Stallholders will be issued an invoice prior to the next registered market date. Payments are to be made via credit card using the invoice link or bank transfer by the due date noted on the invoice.

Failure to pay site fees will result in the stall being cancelled and allocated to someone else.

If the market is cancelled by Market Management, no fees apply, any fees paid will be credited to the next market. No other fees are refunded. Credits and/or refunds will not be issued for bad weather on market days.

Should a Stallholder choose not to attend a market for whatever reason, the market site must be paid whether the Stallholder is in attendance or not.

Stall Equipment

Stallholders are encouraged to bring the following items to the Sutton Village Country Markets: Signage, Marquee, displays, tables, chairs, your product pricing, promotional materials including business cards, other means of contacts and hand sanitizer.

Stallholders are to ensure that Marquees meet the Australian Standards.

Irrespective of weather conditions, Marquees must be weighted down with leg weights, on all legs. These must be 15kg each leg. To prevent damage to ground, pegs or stakes are not permitted.

Please note that spot checks (audits) will be carried out from time to time to ensure compliance with these requirements.

All Marquees must be equipped to withstand outdoor weather conditions, have detachable sides that can be added or removed easily during inclement weather. Note that food stalls require flooring under Marquees to capture all food waste.

Public access ways must always be kept clear and Stallholders must cooperate with Market Management to ensure the required corridor is maintained along the pedestrian walkway.

Stallholders are not permitted to attach anything to the existing trees, nor are they permitted to drive their vehicles across the oval.

Stall Appearance & Rubbish Removal

Stallholders are to always keep their stalls clean and tidy and display products in a manner that do not interfere with other Stallholders. Additionally, you must bag all rubbish and materials from Your Stall and take them with you at the end of the day. **Failure to comply with this condition will result in the Stallholder being charged a cleaning fee of \$15.**

If you would like advice on how to best present your stall, please [click here](#) for ideas.

Covid Safe Events

Please ensure that you are aware of and familiarise yourself with the Covid 19 Safety requirements according to your line of business and service at date of market.

Market rules and processes may change at short notice according to the current Covid 19 Regulations.

Sale of Manufactured Foods, Hot Foods, Consumable Goods & Food Permits:

The Sutton Village Country Markets prefer farm fresh produce and locally produced products. Therefore, Stallholders who produce and/or create their own products will be given a higher priority to a stall at the Markets.

It is the Stallholder's obligation to ensure that all Council and Government guidelines and health regulations are met, that all appropriate licenses are obtained, that the setup of the stall meets all Council, health and safety requirements and that these obligations are met at all times and are adhered to.

Stallholders who wish to sell edible products at the market are required to obtain appropriate permits. All items sold at the market must comply with the regulations of the NSW Government and Australian

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Consumer Laws.

Stallholders are required to provide a copy of their Licenses to Market Management.

Product Labelling

Packaged goods and the sale of whole product/fruit & vegetables must be labelled as per legislation guidelines and requirements.

Approved Products

Handmade/Home Grown or subject to approval by Market Management.

Minimum 90% of products offered for sale must be made and sold by the stall (holder).

Prohibited Goods

Products that may not be sold at Sutton Village Country Markets include live animals or birds, fakes or copies of designer brand names goods, weapons, items associated with illegal use of drugs, or other items or services that the market management may consider unsuitable for the Market. No offensive, counterfeit or unauthorized products may be sold.

Parking & Unloading

Stallholders will be notified of their unloading times and site allocations prior to the Sunday of the Markets.

Stallholders will have access to the Guise Street, Camp Street and West Street entries in order to unload or load.

The unloading areas are limited, Stallholders are not to set up stalls at this time, this is purely for unloading and loading. Cars must not be left unattended in loading areas.

Stallholders are encouraged to use transport equipment such as trollies to move their products and equipment from the unload area to their stall sites.

Food vans are permitted to enter the Markets via the Oval main gate on Guise Street and to drive along the tree line to their allocated site. Vehicles are not permitted to drive across the oval.

Stallholders should park their cars after unloading at the Sutton School car park, and surrounding streets.

Stallholders are reminded not to park in Private Carparks.

Public Liability Insurance

Market Public Liability does not cover Stallholders and/or their products. It is the responsibility of all Stallholders to ensure that they are insured for Public Liability, Personal Indemnity and Product Liability (where applicable) as required by law, that their stall area always remains clean and safe to the public and to ensure that their product meets statutory health requirements and in no way poses any health risks to the consumer.

All Stallholders must submit a current Certificate of Currency to a minimum value of \$10,000,000 at time of registration. \$20,000,000 for food or beverage Stallholders. No Stallholder will be allowed to set up without this requirement.

Sutton Village Country Markets can cover a limited number of market stalls on our Public Liability Insurance policy at a cost of \$15 per Market (excluding GST). Please note that some products may be excluded under our policy. We will advise you if we are unable to provide you with the necessary insurance cover. Our insurance will cover your 3m x 3m space for public liability for the hours of trade only. You take full liability and responsibility for your product.

Sutton Village Country Markets recommends that you obtain your own insurance.

Stallholder Indemnity

The Stallholder discharges and indemnifies Sutton Village Country Markets, its officers and employees from and against any claim by a third party which may be brought against or made upon or incurred by any of them in connections with:

1. The operation of a Market
2. The sale or attempted sale of any products or services.
3. Injury or harm caused to any property or person as a direct or indirect consequence, in whole or in part, of any act or omission, including loss or damage to the Stallholder's products and property regardless of the cause of that loss or damage.
4. A negligent or unlawful act or omission of the Stallholder, its officers, and employees.
5. Breach of the Terms and Conditions or relevant licenses; or
6. Infringement of the intellectual property rights of any third party, except to the extent the claim is due to the negligent or unlawful act or omission of the Sutton Village Country Markets, its officers or employees.

Community Market Stallholders

In consideration of being permitted to operate a stall or other selling point, the Stallholder agrees to indemnify the Sutton Village Country Markets, its staff, employees or agents in respect of any claim for damages occurring out of the Stallholder's negligence or the negligence of any of the Sutton Village Country Markets staff, employees or agents how so ever caused.

Cancellations & Weather

The market is always on regardless of weather or varying aspects. It is up to the Stallholder to decide whether they will set up in inclement weather.

Stallholders are required to provide one weeks' notice of cancellation to allow for alternative

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arrangements to be made. Last minute cancellations (unless urgent) will not be accepted.

Market Management may need to cancel the markets due to public safety. In these instances, Stallholders will be notified as soon as possible via SMS or email. Stallholders are responsible to ensure that Market Management have their updated contact details.

In the case of Force Majeure, Sutton Village Country Markets will not be held accountable for any losses or damages caused to the Stallholder.

Food Safety Requirements

All food and beverage Stallholders at the markets are required to provide safe and suitable food in accordance with the [Food Act 2003](#).

The Food Act 2003 requires all food-handling businesses in NSW to “notify” their details to the NSW Food Authority. This is also a requirement for persons running food stalls at temporary events like markets. The full requirements can be found at the NSW Food Authority website under ‘Markets and temporary events’ page. [Click here](#).

You must also ‘notify’ the local council (Yass Valley Council) of your business and food activity details. You can contact the Yass Valley Council on 02 6226 1477 or notify them via the [form 187](#) on the [Yass Council website](#).

Further details of Yass Valley Council's food safety requirements can be found on their website. [Click here](#).

Charities Selling Food

The [Food Act 2003](#) (NSW) and Food Standards Code apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Charities and community groups are exempt from some requirements; for example, notification of food business is not required if food sold is not potentially hazardous (e.g. scones) or is to be consumed immediately after thorough cooking (e.g. sausage sizzle). For full details please refer to the Charities, group and volunteers section on the NSW Food Authority website. [Click here](#).

Mobile Food Vendors

Mobile food vendors are considered retail food businesses as they sell food to the public and thus need to comply with a range of requirements. Please refer to the requirements for mobile food vendors on the NSW Food Authority website. [Click here](#).

Mobile food vending vehicles may need to appoint a Food Safety Supervisor (FSS) if the food they prepare and serve is:

- ready-to-eat
- potentially hazardous (i.e. needs temperature control)
- is not sold and served in the supplier's original package

Organic Certification

Stalls selling organic goods must display a current Organic Certificate in clear public view. If the Stallholder's produce is "In Conversion to Organic", they must display a letter from their certifier verifying their conversion status.

Produce Notification

Stalls selling fruits & vegetables must provide Market Management a list outlining all the produce they will sell and where it is grown.

Miscellaneous

- All sales of eggs must comply with the standards as set out by the Australian Egg Corporation.
- Stalls selling alcohol (bottle only) must supply copies of their liquor license to Market Management at time of stall application.
- All food/drink samplings offered to patrons must be covered and protected from dirt/dust/insects.

Power & Water

The site does not have power or water available for Stallholder use.

Stallholders must ensure that all electrical equipment and leads be tagged in compliance with relevant workplace regulations.

Gas is preferred for cooking; Stallholders must ensure that all gas appliances are approved and in date.

Stallholders using gas/electrical appliances must have a suitable fire extinguisher or fire blanket on site.

It is the responsibility of the Stallholder to ensure they conform to any safety and compliance standards pertaining to their equipment.

Stallholders are permitted to supply their own electricity and cooking sources, but must have prior approval by Market Management. Individual Stallholders are responsible for their own gas, electricity, or water.

Due to the location of the Markets, silent portable generators will be permitted. Alternative electricity sources are subject to approval.

Promotional Material & Advertising

Market Management reserves the right to use Stallholder images and/or photos which may contain images of the Stallholder and/or their products/produce for promotional purposes.

Stallholder Behaviour & Grievances

Sutton Village Country Markets desires a culture of support and cooperation between Stallholders to build a friendly ambience within the market as a whole. Profanity or any other use of inappropriate language/behaviour, intrusive music, lighting or noise, or other harassment or abuse by a vendor or participant toward another vendor, participant, market volunteer or customer of the market is grounds for immediate and permanent expulsion from the market.

Any grievance on the part of one Stallholder regarding the behaviour or produce of another Stallholder should not be directed to the other Stallholder directly during the market, but should instead be reported to Sutton Village Country Markets. The Market Manager or coordinator will advise an interim solution for the duration of the current market trading hours, allowing the issue to be addressed to the extent necessary before the next market.

Safety

Stallholders using clothes racks, umbrellas, marquees or other structures must ensure that these are securely anchored and do not fall on anyone or blow over. Stallholders are personally liable for any damage caused by their property on or around their site.

Workplace Health & Safety (WHS)

The Sutton Village Country Markets are committed to providing a safe and healthy work environment for all employees, volunteers, and Stallholders, as well as a market that protects the public from injury, promoting the health, safety and welfare of all.

Stallholders must ensure their stall also has Safe Work Procedures to make their worksite (their stall) a safe work environment for themselves, their employees and their customers. For more information [visit www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

WHS regulations at the markets take the following into account:

- Accidents and incidents at the Sutton Village Country Markets are avoided where possible. Where such incidents occur, they must be reported and responded to appropriately.
- Stallholders and Market Management comply with all relevant Federal, State and Local Government requirements;
- Specific rules are provided to assist in providing a safe Market environment for staff, Stallholders and the public;
- A consultation mechanism exists between Stallholders and Market Management over safety issues.

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.

First Aid

In a first aid emergency, contact the Market Managers. A fully stocked first aid kit is always available at the Information Tent. A qualified first aid provider is also on call at the market's information stall, where anyone - customer, Stallholder or market staff - can go for assistance.

Stall & Personal Security

Stall and personal security is primarily the responsibility of Stallholders. Having displays which do not allow easy access to valuable items, keeping displays neat so Stallholders can see where people are in their stall and keeping cash secure or on their person are all good tactics. If a theft does occur, Stallholders should contact Market Management who will contact and co-ordinate with local police.

Other

Inspections

Market Management, NSW Health Agencies and Yass Valley Council carry out periodic stall site inspections. Stallholders must ensure that their stall conforms to NSW and Council health and safety requirements and all licensing for their stall. They must also comply with the rules & regulations set out in this document.

Employees & Assistants

The Stallholder is responsible for the operation of the approved stall, but may assign others to operate it:

- A partner
- A relative or friend of the Stallholder
- An employee of the Stallholder

Any person assigned to run the stall, by the owner, must be aware of the rules and regulations of the market, but ultimately the Stallholder is responsible for the actions of those people managing their stall. Stalls must be open and properly staffed for the entire trading period.

Non-Attendance

When a Stallholder pays their invoice, this is confirmation that the Stallholder is attending the next market. If a Stallholder does not pay before the market, Market Management assumes the Stallholder is not attending.

Indigenous Cultural & Intellectual Property (ICIP)

There is a growing presence of fake or inauthentic Indigenous 'style' art and craft products being passed off directly or indirectly as legitimate 'Aboriginal art' products throughout Australia. They may be made by non-Indigenous Australians or imported from countries like Indonesia or China or copied from an Indigenous artist who didn't license their design on the product to be reproduced. In this way the artist and their community have their culture misrepresented and receive no benefit or payment from this fake art. The Sutton Village Country Markets respects and values Aboriginal and Torres Strait Islander culture and customs and opposes their exploitation through the selling of such inauthentic products. To assist customers in buying a genuine Indigenous product, Stallholders may display a certificate of authenticity, an authentic Aboriginal art label, or at least an Australian-made label. The Stallholder should display the name of the artist/s, where they are from and information about how/where the product was made. These measures, along with ensuring your staff are able to talk to these points saves you from accusations of selling false art. Sutton Village Country Markets encourages Stallholders to be transparent in presenting their products so that customers understand what they are buying and there is no misunderstanding through omission – they should be aware of whether the product is Australian made, if the product has an Indigenous component (e.g. painted), or if it is a licensed image reproduced on a product (e.g. t-shirt). Sutton Village Country Markets asks Stallholders to be honest and culturally sensitive about their products and to not sell a fake or inauthentic Indigenous 'style' product. Stallholders misleading or untrue claims may be reported to the Office of Fair Trading and the Australian Competition and Consumer Commission (ACCC), who can take action against unscrupulous operators. This includes Stallholders who, by omission, misrepresent a product as Indigenous or actually lie, stating the product is made by Indigenous people when it is not or cannot be verified. Selling such products will jeopardise the Stallholder's continued presence at the Sutton Village Country Markets. Further

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information about ICIP can be obtained from <https://www.artslaw.com.au/information-sheet/indigenous-cultural-and-intellectual-property-icip-aitb/> .

Smoking & Alcohol

Smoking is not permitted within stalls or the markets. No alcohol is to be consumed within any stalls or the markets, except, with a Liquor License, providing samples for customers.

Raffle Tickets

Raffle tickets may not be sold unless pre-approved by Sutton Village Country Markets.

Spruiking

Stallholders calling out to attract the attention of potential customers to their products or services is not permitted within the market.

Squatters

Squatting is not allowed, and squatters will be expelled from the market. Anyone attempting to occupy any part of the market to sell a product or service, or provide it free, without permission/paying a fee/insurance will be expelled from the market.

Hawkers (Roaming Sellers)

People wishing to sell without a designated stall site must seek Market Management's approval. Hawkers are allowed if their product can only be sold by moving around the market, or if it is inappropriate for a fixed stall site. Hawkers will be charged the minimum stall fee and must have their own public liability insurance. They are required to complete an online registration and pre-pay before attending.

Pamphlet Distribution

Stallholders are permitted to hand out, from within their stall, product information sheets to interested customers, but there is to be no random handing out of material to any passersby. These inevitably end up as trash on the ground.

Campaigning

No one is allowed to campaign, leaflet or petition throughout the markets without the express permission of the Market Management.

Social Media Policy

The Sutton Village Country Market's Social Media Policy relates to all sites, social media platforms used under and operated by the Sutton Village Country Markets brand, including Facebook, Instagram and any other digital sites.

Sutton Village Country Markets welcomes all Stallholders to post on the event pages of markets that they are attending, to promote their stall. Stallholders can tag or hashtag Sutton Village Country Markets in posts advertising their stall, products and/or attendance at markets. We will sometimes share these posts, referencing their business account when doing so.

This policy does not apply to Stallholder's personal use of social media where no reference is made to Sutton Village Country Markets and/or where such usage has no connection to Sutton Village Country Markets or the events Sutton Village Country Markets runs.

The Social Media Policy exists in order to inform and explain all relevant information and details regarding the expected behavior of Stallholders using and connecting with Sutton Village Country Markets social media channels. This policy covers personal as well as business accounts.

Stallholders must not post a comment or content which is, or could reasonably be considered to be unlawful, discriminatory, vilifying, menacing, harassing, offensive, threatening, stalking, violent, obscene, defamatory, infringing of intellectual property rights, misleading, false, deceptive, fraudulent or spam.

Stallholders must not communicate anything that might damage Sutton Village Country Market's reputation, brand image, commercial interests, or the confidence of our customers.

Sutton Village Country Markets Stallholders must refrain from airing their grievances, negative opinions and/or views on contentious public issues on Sutton Village Country Markets social media pages or posts.

Sutton Village Country Markets may, in its absolute discretion and for any reason, delete any comment posted on its Website, Facebook, Instagram channels or any other digital sites it operates.

Sutton Village Country Markets reserve the right to cancel any future bookings of a Stallholder who is in breach of or does not comply with the Social Media Policy.

Sutton Village Country Markets may alter these Terms and Conditions at any time.