



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 into 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 well represented in the markets:
 - imported fresh-water pearl jewelry
 - off-the-rack imported clothing and
 - South-East Asian cuisine
- 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 casual stallholders.
- 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) Failure to give adequate notice without a reason, may result in the loss of stallholder status as the Broome Markets.
- h) 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 a Blue 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) All stallholder fees must be paid by 4pm 2 days prior to trading. Fee payment to the Market Coordinator on the day is only at a last resort, by card only. Cash will not be accepted. If you are having trouble with payment systems, please call the Market Manager on 0422 802 885 prior to the cut off time.
- 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.

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.

a) Courthouse Markets – Saturday & Sunday - Dry Season (April – September):

General – 1 Table (max 2.4m long)	\$31
General – 3mx3m Stall	\$70
Food vans & approved food tents	\$120
Drinks & Desserts	\$69

b) Courthouse Markets - Wet Season (October - March):

General – 1 Table (max 2.4m long)	\$22
General – 3mx3m stall	\$44
Food vans & approved food tents	\$65
Drinks & Desserts	\$35

c) Night Markets – Thursday & Staircase:

General – 1 Table (max 2.4m long)	\$31
General – 3mx3m stall	\$83
Food vans & approved food gazebos.	\$189
Drinks & Desserts	\$94

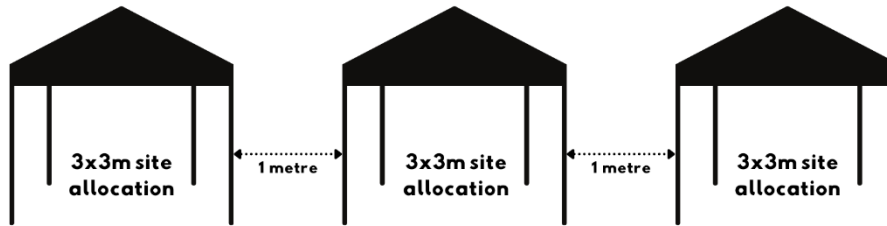
d) Definitions:

- a. A one table set up is a maximum of 2.4m of frontage including any display items. No 2.4m x 2.4m gazebos allowed, tables only.
- b. A 3mx3m stall is a maximum area of 3m x 3m including any display items and a 3m x3m gazebo.

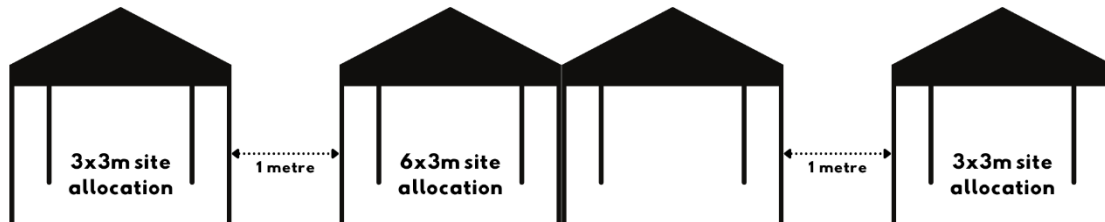
12) Site Set-up

- a) All stallholders are permitted to have either a table, 3mx3m single stall or a 3mx6m double stall (with market managers approval).
- b) A maximum of ten 3mx6m stalls per market event is permitted.
- c) Stallholders with a double stall will be charged for two single stalls.
- 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 product on a Saturday or Sunday.
- c) Any change of menu must be submitted in writing to 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) Any person who supports the objects of the BCSA, who is a Broome resident and who has traded at the Saturday or Sunday Courthouse Markets for 26 weeks per calendar year is eligible to apply to become a member.
 - (i) The annual membership fee shall be set at \$115 + GST.
 - (ii) Membership renewal is in January each year.



- (iii) Members must trade for 39 weeks per calendar year to retain membership.
- 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.
- c) For every three (3) years of continuous trade the member accrues one (1) year of allowed leave from the market. This leave of absence can be taken as a whole or as and when required. The member will not lose membership status (providing that annual membership fees are paid in full) and their permanent stall allocation. A trading period of six months between approved leave is required.
 - i) Examples
 - 1. A stall holder completes 10 years of continuous trading at the markets. Their leave entitlement would be 3 years.
 - 2. A stallholder trades for 4 years and takes a 6 month break. Their remaining accrued leave entitlement is 6 months.
- d) Approval of leave is at the discretion of the Management Committee. If the permanent member wishes for his/her site to continue trading then in their application for leave, they must nominate the person who will operate their business in their absence. The maximum period in any given leave period that a third party can operate their stall is one year. The persons and/or persons running the member's stall in their absence must first be approved by the Management Committee and abide by the bylaws. The Management Committee will have the authority to ensure the person operating the member's stall in their absence abides by the bylaws of the association.
 - a) A member can nominate a third party unrelated to the member to operate that member's stall for up to three (3) months of the annual trading duration following application to and approval from the Management Committee.
 - b) Members have priority of site allocation. When a permanent site becomes available all members can apply and allocation will be determined by the Management Committee based on the following criteria:
 - i) Longest membership and trading history;
 - ii) Suitability of the site; and
 - iii) Impact of stallholder's product to the flow of the market site.
 - c) 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.
- d) Members are allowed to have a commercial outlet, provided they continue to trade at the Broome Markets.
- e) Members who have a commercial outlet and cease trading at the Broome Markets will not be approved as a stallholder should they wish to return whilst still operating a commercial outlet.

2) Resumption of Stall Site

- a) A member who is absent for more than two (2) consecutive Saturdays and does not provide notice to the Market Manager is subject to losing their permanent stall site. Notice of a known absence is required the day before. In the unfortunate event of an emergency notice must be given to the Market Coordinator prior to 7:00am on the morning of the market.
- b) A member who is absent for more than three (3) months without prior written notification to the Management Committee will be subject to losing their permanent stall site and membership.
- c) A member who is absent for more than three (3) weeks for personal leave without prior written notification to the Management Committee will be subject to losing their permanent stall site and membership. Personal leave is approved on a case by case basis and will not impact the members ability to retain membership.
- d) An application for leave is available for download from the Broome Markets website here. A completed copy of the application for leave must be provided by the stallholder to the Management Committee for their approval. This can be submitted by email to info@broomemarkets.com.au.
- e) False or misleading statements and information submitted on any application form will result in a review of membership by the Management Committee.
- f) 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.
- g) 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.

3) 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 casual stallholder 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.

4) 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.
- d) Full details of the DRP can be found in the constitution and/or DRP flow chart.

5) Enquiries

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

