

BERWICK FARMERS & CRAFT MARKET

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Berwick Farmers & Craft Market (BFCM)

- Market Rules -

Background

1. The Berwick Farmers & Craft Market (BFCM - subsequently referred to as the 'Market') is a food producers, related products and craft market. As such, the Market specifically excludes: a. provision of services (e.g. horse shoeing or knife sharpening); and b. sale of 'Paddy's Market' type clothing or imported products.
2. The Market is wholly owned by the Rotary Club of Berwick. It is operated and managed by the Market Management Committee (subsequently referred to as the 'Committee') on behalf of the Rotary Club of Berwick with all profits going to support local City of Casey and regional communities as well as those endorsed overseas by Rotary International.
3. The Market is located on City of Casey premises via their Old Cheese Factory in Berwick entity (Old Cheese Factory - subsequently referred to as the 'Market premises'). Allocated Market premises are contained within the Old Cheese Factory grounds using the adjoining land and immediate environs.

Market Rules

4. These Market Rules (subsequently referred to as the 'Rules') have been developed by the Committee and are applicable to all existing stallholders as well as new/intending stallholder applicants. The Rules are designed to ensure the authenticity, operational viability, safety and sustainability of the Market.
5. The Market, and its Rules, has been evolving since the Market was first established in 2004. These Rules are regularly reviewed as the Committee continually strives to eliminate anomalies and maintain currency with prevailing commercial and legislative needs. They always remain a work-in-progress.

Important: Please ensure that you read and understand these Rules before completing the BFCM Stallholder Application Form.
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Market Philosophy

6. At all times, the Committee seeks to maintain an authentic, operationally viable, safe and sustainable Market for producers selling their produce, products and craft where stalls are attended by the owner and/or their immediate family.

Important:

- While the Committee may actively consult with attending stallholders, the Market is not a co-operative.
- No overseas imported line item product may be sold in the Market (e.g. No imported olives, garlic, ginseng, seafood etc). However, imported ingredients for value-added produce/product (e.g. some imported varieties of coffee beans and spices for flavoring not available in Australia) are permitted provided that they are not a dedicated line item for sale.
- The Committee may, in exceptional circumstances, approve Australian products from market producers with agencies outside the identified BFCM region (e.g. seafood from Australian waters, Australian grown flowers and some core products (e.g. potatoes, brown onions and pumpkins where there is a gap in regular local/regional supply).

7. While produce/product prices are not subject to Rules, the Committee strives to maintain a balance of produce/product lines to ensure competitive pricing among stallholders.

Committee Discretion

8. At all times, the Committee reserves the right to exercise absolute discretion in all matters related to the management, administration and operational viability of the Market affecting all attending stallholders. Stallholder Geographic Category/Priority

9. In considering stallholder applications, preference will be given to those from the following regions/areas:

- i. unique produce/product,
- ii. assessed Market need, and

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- iii. ready access by the Committee to inspect to ensure produce/product/producer authenticity and compliance.

Food Producer Category/Priority

10. The Market has three main categories of producers based on food/product type. These categories are defined in prioritised order as follows:

- a. **Priority #1** - Primary producers of vegetables, fruit, nuts, horticultural products, meats, fish, eggs, honey and the like.
- b. **Priority #2** - Secondary producers of sauces, jams, dairy products and value added food products, like breads, cakes, pies, pizzas, etc.
- c. **Priority #3** - Tertiary producers of prepared food-ready-to-eat (FRTE).
- d. **Priority #4** – Quality Craft producers

11. To be a secondary or tertiary producer, there must be clear evidence of a value add so their product is uniquely their own.

Important: Specific information on the Rules applying to these producer categories is detailed in paragraphs 49-51 of this document.

Stallholder Attendance Frequency Category/Priority

12. Additionally, the Market has three main categories of stallholder based on frequency of attendance as follows:

- a. **Priority #1 - Full time** – continuous weekly attendance for at least 10 months of the year.
- b. **Priority #2 - Part Time** – regular non-monthly attendance for up to 12 months of the year (i.e. may attend every 2nd market).
- c. **Priority #3 - Full time seasonal** – attend the market full time only during their harvest season.

New Stallholder Application

13. The sequence for applying for a stall is as follows:

- a. Prospective new stallholders contact the Market Manager to seek initial guidance as to the likelihood (noting: intended attendance frequency,

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geographic location, site availability and competing produce/products) of their being accepted into the Market;

b. The Market Manager may invite prospective new stallholders to submit an application including all supporting documentation (BFCM Stallholder Application Proforma) to join the Market to the Market Manager using guidance and the proforma available on the Market website at:

www.berwickfarmerscraftmarket.com.au

c. The Committee will review the new stallholder application and all the accompanying documentation and, if considered to be in the best interest of the Market, may approve (or otherwise) the application.

d. Successful stallholder applicants will be advised of their acceptance by the Market Manager who will advise payment(s) before their first market attendance as follows:

i. A \$55 stall holder fee for a standard stall; and

ii. A \$85 stallholder fee for a double stall.

14. Important supporting documentation to the Stallholder Application may include any/or all of the following:

a. Certificates of Currency for Insurance as follows:

i. \$10 million for Public Liability, and/or

ii. \$10 million for Product Liability.

b. Australian Securities and Investments Commission (ASIC) Business Registration to secure an authorised Australian Business Number (ABN),

c. Victoria or City of Casey Health Registration Certificate (where applicable),

d. Victoria Liquor Licence (where applicable),

e. ChemCert Certificate for horticulture and fruit & vegetable producers, and

f. Current Compliance Certificate (e.g. Organic or Bio-dynamic Growers' Certificates where applicable).

g. Permits, Street Trading or other Licence

15. A pre-entry accreditation inspection by members of the Committee is required before a stallholder is accepted into the Market. In some circumstances, this requirement may be temporarily waived for a period of up to

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6 months with provisional approval being given, until an inspection can be conducted.

16. If the stallholder application is approved by the Committee, the applicant will be notified by the Market Manager and arrangements made for an initial briefing on the monthly operating routine of the Market.

17. A stall site will be allocated by the Market Manager. However, the same stall site cannot be guaranteed each month.

18. If/when approved, the details of each stallholder will be posted on the BFCM Website together with a listing their accredited range of products.

Important: Stallholders are ***not*** permitted to sell any product(s) not included in their stallholder's website listing.

19. All new stallholders are subject to a 3-month probationary period. The Committee reserves the right to not confirm a permanent arrangement with a probationary stallholder, particularly if an inspection or subsequent breaches of the Rules reveal that the stallholder has not acted in good faith.

20. Stall sites are **not** transferable. Any change of ownership of a stallholder's business requires the completion of a new Stallholder Application form by the new stallholder and approval of the Committee. Approval **must** not be assumed.

21. No new stallholders will be admitted until they have completed the Stallholder Application process, been approved by the Committee.

Market Management Committee Consideration

22. All new stallholder applications will be considered by the Committee based on the limited stall sites available and the prioritised preferences detailed in paragraphs 9 – 12 above as well as adherence to the application process detailed in paragraphs 13-21 above.

23. In assessing all new stallholder applications, a key consideration is the need to maintain a viable produce/product variety within a competitively balanced framework of food producer/product categories. This can be summarised as "what would be best for the Market".

24. Stallholder applicants should not anticipate approval while the Committee exercises its discretionary consideration.

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Returning – Full Time Seasonal stallholders

25. Returning regular and compliant seasonal stallholders may be admitted back at the Market, provided:

- a. they have contacted the Market Manager and discussed their return;
- b. a stall site is available; and
- c. they complete/update their Stallholder Application information including product/produce listing before their new season market attendance.

26. However, previous season stall sites cannot be guaranteed.

Fees

27. Current market fees are detailed on the BFCM website and are subject to annual review.

28. Stall fees and associated charges are paid at each market or in advance either by:

- a. Cash, or
- b. Credit Card, or
- c. Cheque

Important: Notice must be provided one (1) week prior to any market date if you are not attending that market to avoid the above stall fees being incurred. Failure to provide this notice means that you will be invoiced and payment will need to be made prior to the next market (unless there are extenuating circumstances).

Use of Agencies

29. Due to the vagaries of the cold weather climate in the BFCM region, stallholders may apply to use agencies to supplement their sources of supply on a seasonal basis. Agencies are treated no differently than accredited producers and are subject to the same inspection and compliance scrutiny as producers to validate their bona fides.

30. Accredited agencies are only permitted from within agreed BFCM regions.

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31. Stallholders may apply for up to a maximum of three agencies at any one time. Notwithstanding 'grandfathered' anomalies referred to in Annex A, any single accredited agency must not take up more than 30% of the selling space on a stall.

32. Accredited agencies have the lowest priority in the Market. At any time, and at its discretion, the Committee may replace any accredited agency with a higher priority stallholder producer.

33. Normal Stallholder fees as detailed on the BFCM website (Stall Fees) apply and are subject to annual review.

34. Accredited Agency applications should be lodged with the Market Manager for consideration by the Committee. Agency approvals are subject to review every 6 months.

35. Once a stallholder has been given approval for an accredited agency and that agency has been activated, then the stallholder fee paid is non-negotiable, regardless of whether or not the stallholder sells product from that agency. Fees for approved seasonal agencies may be reviewed at the discretion of the Committee upon provision of such evidence as the Committee should require

Stallholder Attendance

36. To ensure an ongoing and direct relationship between the customer and the producer, stallholders and/or their immediate family members are expected to personally attend their stalls unless, under exceptional circumstances, an alternative arrangement has been approved by the Committee.

37. All attending stallholders, their attending family members and any supporting staff must have first-hand knowledge of their accredited stall produce/products and their production systems.

38. Stallholders unable to attend a market must inform the Market Manager one month in advance of any planned absences.

39. Stallholders who may wish to attend other markets and/or events (that clash with their regular BFCM attendance schedule) may do so, provided they:

- a. provide one month's notice of any intent, and
- b. continue to maintain a viable and concurrent presence at the BFCM

Important: Stallholders considering attending other markets and/or events failing to meet the above criteria, need to be aware that the Committee reserves the discretionary right to reallocate their stall sites with no guarantee of any future right of return.

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Product/Produce Variation

40. Stallholders wanting to vary their approved website product list must submit a Product Amendment Notification Form, available on the website for any/all new products for approval by the Committee before being sold, offered or transferred within the Market precinct. Without an approved variation, stallholders will be immediately asked to remove any unauthorised product from sale. Where the variation involves growing new product, approval must be sought before sowing/planting. Approval should not be anticipated

Legislative Compliance

41. In addition to those Stallholder Application prerequisites (paragraphs 13 to 14 above refer), all produce/products must meet all the appropriate Federal and Victoria and City of Casey Health, Fair Trading regulatory requirements, including rules relating but not limited to:

- a. Pricing;
- b. Food produce/product processing;
- c. Packaging, including:
 - i. Nutrition advice,
 - ii. Labeling, and
 - iii. Weights and measures.
- d. the need to always, on request, provide a receipt or proof of purchase for any purchase over \$75, noting that a receipt for any purchase under \$75 must be given within seven days of asking.

42. Scales (weights and measures) must comply with relevant Victoria Government legislation. Receipts should be kept as proof of origin for inspection by the Committee (and Victoria Government Fair Trading, Victoria Government Health, etc) if/when requested.

Stallholder Trading Name/Produce/Product Signage

43. Stalls must display their trading name at all times. The price and description of all produce/products must also be displayed using either an approved BFCM logo signs. Signage templates and actual signs are available from the Market Manager on request.

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Important:

- Sale of all claimed 'certified organic/biodynamic' must be supported by a clearly displayed properly endorsed and accredited certificate at all times; and
- Display and/or use/mention of the BFCM brand name or any logo is strictly limited to use at our Market and may not be used to advertise and/or promote products/produce/services sold/provided at other markets and/or venues.

44. All product/produce descriptions must be accurate, honest and not misleading (e.g. produce must not be described in any way that might possibly be construed by a customer as being organic unless it is 'Certified Organic'). If not 'Certified Organic', saying "Organically Grown" is not acceptable. However, stating "No Chemicals Used" or "Pesticide Free" or words to such effect is acceptable

45. Further, if a product/produce is claimed to meet a specific food standard (e.g. Extra Virgin Olive Oil), that claim must have been validated. Evidence to this effect, must be provided by the stallholder on request in accordance with Federal & Victoria Government Fair Trading and Labeling Laws. Stallholders need to display clear evidence that substantiates all such produce/product claims.

'Share Farming' Arrangements

46. Where groups of producers share land, financial, human capital and machinery etc in joint production processes, the Committee may, at its absolute discretion, treat them either as a single separate entity. The produce/product list for this single entity (including any agencies) will be the sum of the produce/products from participating producers.

Administrative Arrangements

47. All stallholders should, in the first instance, contact the Market Manager for guidance who, when necessary, will seek further direction from the Committee.

48. Administrative anomalies generated by the evolution of the Market and its Rules will be reviewed in an ongoing and regular basis.

Important: Further details are provided at Annex A.

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Specific Rules for Primary Products

49. Primary products (i.e. fruit and vegetables, meats, poultry, berries, nuts, etc), must be grown, reared, caught or collected by the producer on the producer's land

Important: A producer who gets their own livestock slaughtered and butchered off farm would normally qualify.

50. As each product line within a produce category has its own unique characteristics, for management purposes, the Committee maintains dedicated produce/product-specific rules within each individual product/produce category (e.g. seafood, meat, honey, eggs, milk and olives etc).

Specific Rules for Secondary Products

51. Secondary products such as sausages, breads, cakes, (preferably using the stallholder's own ingredients, or ingredients from other Market producers), must use ingredients wholly processed in Australia. Producers of secondary products must be able to demonstrate significant value-adding to their product(s).

Important: There may, by exception, be occasions when, imported ingredients, not available in Australia, are required for value-adding to products (e.g. some imported varieties of coffee beans and spices not available in Australia) are permitted provided that they are not a dedicated line item for sale.

Fund Raising Requests

52. Rotary is a non-political philanthropic organisation. As such, in most circumstances, only other similar type Clubs may be offered the opportunity to conduct a stall or raise funds on Market premises. All fund raising applications will be the subject of Committee approval.

53. A Club admitted to the Market will not be allowed to sell any product/produce in competition with Market stallholders.

54. Only one Club or program may be permitted to attend per Market.

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Buskers

55. Competent buskers are required to apply to perform at the Market to the Market Manager – an application form is available on the BFCM Website (applications and downloads).

56. All rules pertaining to buskers can be found on the application form.

General Operational Rules

57. Stallholders are to comply with the direction(s) of the Committee and/or Market Manager at all times.

In particular:

a. The Market is held at Market premises each month subject to the availability of the venue. The Market may be either cancelled or moved to an alternative venue due to unforeseen circumstances outside the control of the Committee.

b. Similar Rules and charges apply whatever venue is used.

c. The monthly Market operating hours are 8.00am-12.30pm excluding the Christmas Market operating hours which are 4.00pm-8.00pm.

d. No stallholder vehicle(s) may enter the Market area after 7:30am or leave before 12.30pm apart from the Christmas market which times are 3.30pm for entry and 8.00pm for departure.

Important: *Maximum speed for vehicles inside the market area is 5kph and hazard lights MUST be used at all times.*

e. Vehicles must be parked in the designated parking areas.

f. All passageways must be left clear for pedestrian traffic so that customer flow is not inhibited.

g. All stalls are marked and numbered. Stallholders must stay within their allocated stall area.

h. No Smoking is allowed anywhere in the Market area

i. Stallholders are prohibited from producing smoke, smells or leaving engines running anywhere in the Market area. This includes running generators.

j. At the end of each market, stallholders are to clean up their stall site(s) and are to:

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- i. empty waste in the bins provided; and
- ii. remove all cardboard, crates, boxes, containers, paper, etc.
- k. Dogs are allowed in the Market area (that includes stallholders' dogs). Dogs must be on a leash or harness at all times and tethered outside of the market area.
- l. Stallholder meetings are compulsory for all stallholders to attend. If a stallholder is unable to attend, apologies should be sent to the Market Manager.
- m. Any issues of concern to stallholders should be raised with the Market Manager in the first instance.
- n. Absolute compliance with Federal and Victoria Government and City of Casey Health and Workplace Health and Safety (WHS) regulations is mandatory. In particular:
 - i. Where necessary, 'sneeze guards are to be erected between unpackaged food products and customers;
 - ii. Stallholders are to provide their own hand washing facilities; and
 - iii. Stallholders are to use disposable gloves when handling all fresh and processed produce/products with the exception of raw fruit, nuts and vegetables.
 - o. All heated appliances must have heat guards and caution signs – or be located well out of the reach of customers. Where gas appliances are used, stallholders are to provide their own firefighting equipment which, as a minimum, should comprise a powder ABE 2 kg fire extinguisher and fire blanket.
 - p. Due to power reticulation difficulties, electrically powered heaters, jugs (for personal use) and/or any electrical equipment with a heating element are not to be used at any time.
 - q. All electric power cords and electrical appliances must be 'tested and tagged' annually by a licensed inspector in accordance with Victoria Government legislative needs.

Producer Visits and Fees

58. It is important that the Committee be allowed to verify producer information provided by stallholders and to pursue any/all complaints which may require subsequent investigation.

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59. Accordingly, the Committee reserves the right to inspect any producer's property whose produce/products are sold at the Market. All stallholders must be prepared to be visited by an appointed representative(s) from the Committee during normal business hours.

60. The Committee reserves the right to seek an additional 'inspection fee' to recover associated travel costs, where it is deemed appropriate (e.g. if the proposed stallholder resides outside the BFCM region and/or there is a compliance issue that needs on-site investigation). If the stallholder does not accept the fee, then they will be asked to leave the Market.

Market Rule Breaches

61. Failure to observe the Rules may, in the opinion of the Committee, give cause to initiate disciplinary action. Consistent breaches of the Rules may lead to suspension and eventual expulsion from the Market. The administrative procedures associated with managing any/all such breach(s) are detailed in Annex B.

Code of Conduct

62. At all times, all stallholders must deal with each other and Market customers in a courteous and professional manner. Abusive and/or threatening behaviour will not be tolerated at any time or under any circumstances. Such behaviour may constitute grounds for immediate expulsion from the Market.

63. In particular, stallholders are expected to support the Market, the Market Manager and its Committee in all administrative/operational matters. Should a stallholder have a grievance(s) about any Market-related matter, they are expected to bring their grievance(s) to the attention of the Committee by first advising the Market Manager and/or any member of the Committee. Any wilful public disclosure(s) of any grievance(s) to other parties and/or the media will not be tolerated and will constitute a breach of the Rules and may be considered grounds for immediate expulsion.

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Disclaimer of Liability

64. Stall holders agree to indemnify the Market from any damage, expense or liability arising from any injury or damages to any person, including the general public, the vendor or others, occurring either in the space occupied by the stall holder or elsewhere arising out of its occupancy or anything connected with the occupancy. The Market will not be liable for any loss or damage to the property of the stall holders due to fire, robbery, accidents or any other cause whatsoever that may arise from use and occupancy of their Market site.

65. In summary, the conduct expected of stallholders, their agents, and attending staff will be assessed against the Rotary 4-Way Test of the things we think, say and/or do.

These are:

- a. Is it the truth?
- b. Is it fair to all concerned?
- c. Will it build goodwill and better friendships?
- d. Will it be beneficial to all concerned?

Annexes:

- A. Current CRFM Anomalies
- B. Market Rule Breach(s) – Administrative Procedures

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Annex A to Market Rules dated 1 Feb 16

Current CRFM anomalies

1. The Committee acknowledges the following anomalies in the Market and is progressively working to eradicate them:

a. Flower products – because of seasonal constraints on flower production in the BFCM region, accredited agencies may be accepted from out of region.

b. Fish products – because of sustainable fish management policies and seasonality considerations, fish products may be sourced outside of the BFCM region (but must be from within Australian waters).

c. Ingredients for Secondary and Tertiary products – these products may include some imported products (e.g. spices, coffee beans, etc., some varieties of which may not be grown in Australia). However, priority will be given to products with locally produced value-added ingredients.

d. Agency-only stalls - Most stallholders are genuine producers.

e. Producer cooperatives – under rare circumstances, the Committee may approve producer cooperatives. These may include cooperatives for milk, poultry and meat.

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Annex B to Market Rules dated 1 Feb 16

Market Rule Breach(s)–Administrative Procedures

1. In determining action in relation to any breach of the Rules, the Committee, at its absolute discretion, may initiate the following course of action:
 - a. **First Breach** – The stallholder will be issued with a verbal warning by the Committee during which the Rule breach(s) will be identified. The warning will be registered on their stallholder database record;
 - b. **Second Breach** – The stallholder will be issued a formal warning in writing detailing alleged breach(s) with a 14-day right of reply. If, after Committee consideration of their reply, the stallholder be found to be non-compliant, then the stallholder may be suspended from the Market for a period to be determined by the Committee. Suspended stallholders will have to re-apply to return to the Market. Their return cannot be guaranteed. The warning and any response will be registered on their stallholder database record.
 - c. **Third Breach** – The stallholder will be issued with a formal warning in writing detailing alleged breach(s) with a 14-day right of reply. If, after Market Committee consideration of their reply, the stallholder be found to be noncompliant for a third breach, they will be permanently expelled from the Market. The warning, any response, and any subsequent expulsion direction will be registered on their stallholder database record.
2. The Committee reserves absolute discretion to accept or reject any/all stallholder applications or to ask stallholders to leave in the event that, in the opinion of the Committee, there has been a breach(s) of any Rule(s), or Code of Conduct and/or non-compliance with reasonable directions or if their production systems are subsequently found to be non-compliant.
3. In particular, where a stallholder(s) has been found to be not operating within the spirit of the Rules, the Committee reserves the absolute right to permanently expel that stallholder(s) from the Market without following the above full procedural fairness steps.
4. In the event of a stallholder failing to comply with the Rules, the Committee may take such action as it deems appropriate to recover any loss or damages sustained by the Market as a consequence of the actions of a stallholder.