

PORT DOUGLAS MARKETS

STALLHOLDER APPLICATION FORM

VALID: 1ST JULY 2011 – 30TH JUNE 2012



Applicant's Name & Business name (if applicable)

Address

Phone

Mobile

Email

Website (if applicable)

Description of goods for sale (only goods listed can be approved for sale):

Description of display (include display materials used):

***Note: vehicles access to stall before 7:30am & after 1:30pm closure of markets.**

- Marquees must comply with council standards.
- Proof of public liability insurance will need to be provided with your application.

Office use only:

Date of Initial Product Inspection: _____ Date of Review: _____

Please Circle: **APPROVED** **DISAPPROVED**

Name: _____ Sign: _____ Date: _____

NOTES: _____

TABLE OF FEES

(Quoted fees are GST inclusive and are valid for the duration of permit being 1st July 2011 – 30th June 2012)

Card Table Stall

❖ \$10 per day

Large Umbrella and Table

❖ \$17 per day

Marquee 3m x 3m

❖ \$27 per day

Marquee 3m wide x 6m deep

❖ \$32 per day

Marquee 6 m wide x 3m deep

❖ \$38 per day

Marquee 6m wide x 6m deep

❖ \$48 per day

Fundraising / Charity Stall

Local Charities and Schools that reside in or assist the people of Cairns may be eligible for a free stall site. One free stall will be provided for a group on any one given Market Day. Lodgement of application must be received no later than 5 working days prior to the date of booking and will work on a first in, best dressed basis.

I/We, _____ (print name) have read and understood the attached terms of this agreement. I agree to abide by and accept the terms and conditions of this agreement, if I fail to do so I recognise that I may be expelled from the Port Douglas Markets and subsequently other Cairns Regional Council Markets

Applicant's signature

Date

Authorised Officer
Cairns Regional Council

Date

Market Stall enquiries should be addressed to:

Port Douglas Markets Coordinator

Inner City Facilities

Cairns Regional Council

PO Box 359, Cairns 4870

Mobile: 0408 006 788

Email: t.morris@cairns.qld.gov.au

TERMS AND CONDITIONS

MARKET MANAGEMENT

1. The Market Coordinator is responsible for the coordination of the markets and the administering of the Terms and Conditions.
2. The Manager – Inner City Precinct is responsible for overseeing the markets processes and handling any grievances.

DAYS / TIMES OF OPERATION

1. Markets are held on every Sunday of the month (weather permitting) from **8.00am – 1.30pm**.
2. Stallholders may **arrive from 6:00am** and no earlier and **MUST** be set up and ready to **trade by 8:00am**. If stallholders arrive after 8.00am council has the right to refuse entry to the market for the day. **Market shuts at 1:30pm**. Stall sites must be packed up and **vacated by 4:00pm**.
3. Stallholders are required to operate for the duration of the market day and are to notify the Market Coordinator in advance should they need to leave early from the markets on any given day.

CONTACT DETAILS / OFFICE HOURS

1. General Market Stall enquiries can be directed to the Inner City Facilities Office, Tuesday to Friday, 8.30am – 4.45pm on phone (07) 4044 3715 or by Contacting the Port Douglas Markets Coordinator on Sunday and Monday by phone 0408 006 788 or email t.morris@cairns.qld.gov.au
2. Should you wish to meet with the Market Coordinator; an appointment can be made on Mondays. The Market Coordinator can be contacted on the above contact details.

APPLICATION PROCESS

1. For the purpose of licence, this application, terms and conditions and outlined fees will be valid for the duration 1st July 2011 – 30th June 2012.
2. Lodgement of an application form does not constitute approval to commence operations.
3. There is no guarantee that licence will be renewed after this time, that is, each application will be considered on it's merits on each occasion, and the fact that the permit was held previously and has expired simply through passage of time does not entitle an applicant to a new permit.
4. Applications are to be lodged no later than 5 working days prior to the requested date of entry to the markets. Entry is not guaranteed for the requested date, however upon assessment the Market Coordinator will advise of the next possible entry date.
5. Before permit can be issued, stall holders are required to present their goods for inspection with the Market Coordinator or designated Council staff member. Additional proof of manufacture may be sought such as photographs of work station or personal inspection of the manufacturing process. If Council request a site inspection of the manufacturing process, the stallholder will be given no less than 3 days notice.

PRODUCT CRITERIA

1. The Port Douglas Markets are **for hand made art and craft items only!** Items that cannot be proven to fit the criteria are NOT allowed to be sold, with the exception of tools that aid the sale of your hand made product i.e. supporting books or objects which accompany your product such as batteries etc. **These items must be approved by the Market Coordinator.**
2. All items for sale must display the following; (1) Originality, (2) Skill or craft has been used in the creation of the item, (3) Produced by "**immediate family**" using hand labour or with the use of small tools, and (4) the items made fit within the definition of "**craft**" and "**cottage industry**" as contained within these terms - (*see definitions*).
3. **Items are only to be sold by the manufacturer** unless otherwise agreed to by the Markets Coordinator.
4. The sale of imported goods from another country is STRICTLY PROHIBITED.

5. Only goods listed on the attached application form, sited and approved by the Cairns Regional Council Market Coordinator are to be sold. The selling of types of goods not listed nor approved is **STRICTLY PROHIBITED and can result in loss of licence or expulsion from the market.**
6. Stallholders who wish to introduce a new item to your stall must first obtain approval from the market coordinator.
7. Reviews of craft making procedures will occur on an annual basis or earlier if deemed necessary. Selection criteria will be applied to the processes and products to ensure the product is representative of the guidelines of the market.

FOOD ITEMS

1. All food & drink items must be firstly approved by the Market Coordinator.
2. Once you have obtained site approval from the Market Coordinator, an *Application for a Market Food Stall Licence* must be lodged to Council with the annual fee. Applications can be mailed to Council's postal address or lodged in person at Council's administration offices.
3. Once approval is granted a licence will be issued that must be displayed at the stall.
4. The sale of pre-packaged food products, such as chutneys, jams, spreads etc (not for immediate consumption at the market) is allowed at the discretion of ICF Management however all necessary approvals and permits must firstly be obtained (i.e. '*Application for a Market Food Stall License*' – *Food Act 2006*). For further information about market food stalls, please contact Council's Public Health Unit to discuss your options with an Environmental Health Officer.
5. Applications for a Market Food Stall Licence must also include Food Safety Supervisor details.
6. All food preparation must be done in a licensed kitchen (excluding 'Food Items – point 7). There may be special circumstances to allow food prepared by you **at home** for the markets, but this will require prior approval.
7. Preparation of food at a market food stall is restricted to the preparation of non-alcoholic drinks and the cutting up of fruit and vegetables. **NO FOOD VANS ARE ALLOWED ON SITE.**
8. The handling of perishable food at a market food stall is limited to transporting, displaying and serving only. **No cooking or reheating of food is permitted at a market stall** (except by non-profit organisations).
9. The cooking and preparation of high risk food products are prohibited at the Port Douglas Markets. Contact the Market Coordinator for further information.
10. The market food stall must be set up and operated in accordance with the conditions of approval. For more detailed information relating to this, please refer to Council's *Structural & Operational Requirements for Temporary Food Premises*.
11. Stallholders must ensure that **no alcohol is consumed** at their designated site.
12. Stallholders shall produce to Council, prior to the date required, any licences, permits or consents issued by the Health Department or any other Government Agency in respect of their designated site.

PAYMENT

1. After application is approved, stallholders must pay on the day of the market.
2. Other market dates may be determined by Council at any time, and will be governed by these same terms and conditions.
3. A receipt will be issued upon payment of stall fees. Cheques are to be made out to **Cairns Regional Council**.

MARKET STALL SITES - GENERAL

1. The Market Coordinator will allocate market stall locations the morning of the market or prior to the day if possible.
2. The Market Coordinator and Management reserve the right to rotate market stall sites. This will be avoided where possible for those who attend on a regular basis.

3. Water and powered sites are NOT available.
4. The Stallholder shall not use the designated site for any purposes outside the scope of the permit application.
5. Stallholders must observe, perform and fulfil all the requirements of Council's Policies and Local Laws not limited to but including noise and waste.
6. The number of Port Douglas Market stalls is limited by Council and will be determined by Council. Management reserves the right to nominate stallholders for any given market day.
7. People under the age of 18 years are not permitted to operate a stall unless accompanied by a supervising adult or person over the age of 18 years.
8. On the unlikely case that Council may need to relocate the operation of the Port Douglas Markets, where possible, an attempt will be made to notify all stallholders.

SET-UP

1. On arrival to the Markets; stall holders are permitted vehicle access to unload and load goods to their stall position. After 8:00am, all vehicles must be vacated from the Market area unless approved by the Market Coordinator. At no times should vehicles park for more than the required time to perform this task, and at no times are vehicles to remain on the pedestrian walk ways after this time.
2. The limit on stall numbers is two per stallholder. Double sites (two adjoining marquees) are limited and approval for two stalls is at the discretion of the Market Coordinator and Inner Cities Facilities Management.
3. All stalls must be kept to a high level of presentation and will be subject to review.
4. Additional stock excess to the display may be stored in cardboard boxes or other temporary containers, provided that these are covered so as not to detract from the appearance of the stall or the overall market.
5. Stallholders must keep their site clean and free of rubbish to avoid incurring and additional cleaning fee.
6. The use of awnings on any marquee own or otherwise is strictly prohibited unless for the purpose of protect against rain entering the marquee, in this case no goods are to be hung or displayed in or under this area. The use of awnings must not encroach on other stall holder's space and must firstly be approved by the Market Coordinator.

INSURANCE / SAFETY

1. A copy of your current public liability insurance, with a minimum of \$10,000,000 will need to be provided to Council.
2. Stallholders must not block off pedestrian walkways or disrupt pedestrian traffic.
3. To ensure the safety of the public and stallholders all goods, signage etc., are to remain within the boundary of the marquee.
4. Stallholders must use their best endeavours to ensure the safety of all persons attending the market.
5. Stallholders are responsible for the security of their designated site and the security and safety of any property of Council in or around their designated site.
6. The stallholder agrees to indemnify, and to keep indemnified and to hold harmless the Council, it's servants and agents and each of them from and against all actions, costs, claims, charges, expenses, and damages whatsoever, which may be brought against the Council or the stallholder or both arising out of or in relation to the granting of such stallholders permits.

CANCELLATION / BAD WEATHER

1. If a Market day is to be terminated or cancelled by Council, Stallholders will be notified immediately at the time of the decision where possible. Should the market be cancelled a message will be recorded on the Market Coordinators phone 0408 006 788 notifying stallholders of the cancelation.

2. Unsafe weather policy. In the case of the day prior to the markets the weather is unsavoury and unsafe the “bad weather policy” will prevail. The Market Coordinator will communicate with weather experts as well as ICF management and make a final decision taking into consideration the stallholder’s opinions as well as safety.

STALLHOLDER OBLIGATIONS OR CONDITIONS OF ACCEPTANCE

1. Stallholders must be neatly attired and may be accompanied by not more than one other person. Due to safety regulations shoes must be worn at all times
2. Stallholders are expected to be courteous to the public, market organisers and other stallholders at all times. Bad behaviour and or language will not be tolerated and will result in expulsion from the markets
3. Penalties apply for providing false and or misleading information. If this occurs expulsion from the market may occur.

GRANDFATHER CLAUSE

1. Sixteen individual stallholders have been granted approval to retail product that fall outside the Policy.
2. This approval was granted in 1996 under previous Douglas Shire Council, and was given in respect of historical links to the establishment of the Port Douglas Markets.
3. These individual stallholders must man the stall personally and may only retail existing product. No new non-compliant items may be retailed from these stalls. The stallholder approval is not transferable.
4. Should any of these stallholders operate at less than 44 markets in any given financial year, that stallholder will lose their protection under this clause, and must submit an application for a Market Stall as a new supplier under the current Market Terms and conditions.

DISPUTES / COMPLAINTS

1. Disputes or disagreements should be lodged in a formal manner and pending on the nature of complaint in writing to the Inner City Facilities Manager, email m.robertson@cairns.qld.gov.au
2. If a stall holder wishes to make a complaint about another stall holder the complaint must be in writing and include the complainants name and address. The complainants identity will be kept confidential by Cairns Regional Council and its staff members.

ISSUING COMPLIANCE NOTICES

1. The Market Coordinator may issue a stallholder with a compliance notice if the Coordinator considers that the stall holder:
 - (a) has behaved or is behaving in a manner likely to cause distress, disturbance, inconvenience, damage or harm to any other person present at the market; or
 - (b) has engaged or is engaging in abusive or threatening behaviour towards other stallholders, member of the public or Council Officers or Security
 - (c) is in breach of any conditions of the permit
2. A compliance notice may also be issued verbally by the Market Coordinator, and will generally be followed up in writing, depending on the severity of the case
3. For your right to appeal a compliance notice which has been issued please contact the Inner City Facilities Manager on phone 07 4044 3715 during business hours.

OTHER

1. Inner City Facilities Management reserve the right to withdraw this permit at any time, without prior notice.
2. The Markets Coordinator has the right to have a Stallholder removed from the Market, either before or during the event, if the Stallholder is in breach of the terms of this Agreement.

DEFINITIONS

“Cairns Regional Council Markets” means

All Cairns Regional Council administered markets including but not limited to daily City Place Markets, weekly Port Douglas and Cairns Esplanade Markets and monthly Tanks Art Centre markets. Privately run markets held on council land, or market stalls operated in conjunction with one off events are not included within this definition.

“Cottage Industry” means

The manufacture of products, by the use of hand labour or small machinery, in small quantities. The definition does not include mass production, or production in commercial quantities. Manufacture must be by the vendor and at the vendor's own residential premises or studio with the exception of food products which may be made in commercial premises approved by the Council for food preparation. It is accepted that some component parts of a product may be of a mass produced nature however such component parts must be significantly value added through application of art or craft processes.

“Craft” means

The production of items of use or ornament by the personal efforts, skills and arts of a craftsperson, or his immediate family, and may, without limiting the generality of the term, include cooking, sewing, knitting, woodworking, painting, drawing, the shaping, cutting or polishing of gemstones, jewellery making and other like crafts. The use of manufactured materials as raw materials is accepted, provided that the exercise of a skill or craft is involved in the process of making the finished product.

The assembly of pre-manufactured components into a saleable product, or the repackaging of manufactured product into alternative containers is not regarded as a craft.

“Crafts person” means

A skilled worker in a craft or art.

“Immediate Family” means

Spouse, father or mother, brother or sister of the stallholder. Any more distant relationship will not be considered immediate family, and sale of products on behalf of such person will not be approved.

“Local Produce” means

Fruit, vegetables and flowers grown in the North Queensland region, on farms or smallholdings occupied by the vendor of the produce, or by members of the vendor's immediate family.

“Market Coordinator” means

A person appointed by the Council for the time being co-ordinate and administers the Market on Council's behalf.

“Product” means

Without limiting the generality of the term, included any item a vendor intends to sell, has available for sale or sells at the Market.

“Stall” means

A table or tables or other equipment used for the display of the stallholders products. A stall which covers more than one site is permitted on the payment of any additional charges stipulated by the Organiser.

RECYCLING FOR PORT DOUGLAS MARKETS

Cairns Regional Council encourages stall holders and vendors to Reduce, Reuse and Recycle at Port Douglas Markets.

AVOID - generating waste whenever possible

REDUCE - the amount of waste we collect in our lives

REUSE - things that we have collected

RECYCLE - what we can

DISPOSE - of what is left responsibly

Packaging:

- Please avoid using excessive packing. Plastic wrapping can not be recycled nor reused. Plastic wrapping should be placed into the waste bin. Cardboard boxes can be put into the yellow lidded recycle bin. Please use packaging that is: biodegradable and or recyclable (paper and cardboard)

Drink bottles and containers:

- Aluminium cans, glass bottles, plastic bottles and containers can be recycled. Please encourage your patrons to place these into the yellow lidded recycle bin. Polystyrofoam containers can not be recycled and should be placed into the waste bin and not into the recycle bin. Polystyrofoam takes a long time to break down and Council encourages all stallholders and vendors to avoid using polystyrofoam.

Bags:

- Plastic bags can not be recycled and will need to be placed into the waste bin. Council encourages all stall holders and vendors to use paper bags, or even better, bags used from sugar cane or banana leaves. All paper bags can be recycled and placed in the yellow lidded wheelie bin

Do the Right Thing and Put it in the Right Bin!





recycling

- ✓ All types of steel food cans
- ✓ All types of aluminium cans – Drink cans
- ✓ Certain Aerosol cans – hairspray, insect spray etc
- ✓ Old aluminium and steel boxes –
Chocolate & biscuit tins
- ✓ Alcohol Bottles
- ✓ Soft drink Bottles
- ✓ Juice Bottles
- ✓ Glass jars
- ✓ Plastic Soft drink bottles
- ✓ Plastic Detergent bottles
- ✓ Plastic Squeezable bottles – sauces
- ✓ Plastic Juice bottles
- ✓ Plastic cleaning product bottles
- ✓ Plastic Cooking oil bottles
- ✓ Plastic Water bottles
- ✓ Plastic Margarine and butter tubs
- ✓ Plastic Motor oil bottles
- ✓ Plastic Buckets
- ✓ Plastic Milk bottles
- ✓ Plastic Shampoo and conditioner bottles
- ✓ Plastic Mouth wash bottles
- ✓ CD jackets covers
- ✓ Ice cream containers
- ✓ Yogurt containers
- ✓ Plastic Salad dressing bottles
- ✓ Plastic take away containers
- ✓ News papers & Magazines
- ✓ Junk Mail
- ✓ Phone Books - break the spines

NOT Recyclable

- ✗ Aluminium foil
- ✗ Off cuts of scrap metal
- ✗ Batteries
- ✗ Gas Bottles (small or large)
- ✗ Car parts
- ✗ Microwaves
- ✗ Fridges
- ✗ Push bikes
- ✗ BBQ's
- ✗ Aerosol Spay Paint Cans
- ✗ Window Glass
- ✗ Blue glass
- ✗ Broken Glass
- ✗ Ceramics
- ✗ Crockery
- ✗ Light Bulbs
- ✗ Pyrex
- ✗ Plastic Bag products
- ✗ Waxed cardboard
- ✗ Milk cartons
- ✗ Tetra Juice packs - ie. Popper

**If a question is not covered here,
please contact us on **4044 3044** and we
will do our best to assist you.**