Kiama Seaside Markets - Code of Conduct

1. Introduction & Scope

a. The Kiama Seaside Markets (**KSM**) showcase the best of the South Coast's artisan, retail, and food culture. KSM aims to deliver an authentic, high-quality market experience that reflects the values of community, excellence, and hospitality.

b. All Stallholders are expected to actively contribute to a welcoming, professional, and customer-focused market environment. High standards of conduct, product quality, and service are essential to the continued success and reputation of KSM.

c. KSM is committed to operating a market environment that is inclusive, ethical and transparent. Stallholder participation decisions will be guided by principles of fairness, diversity, local preference and the avoidance of any real or perceived conflicts of interest.

d. To preserve the integrity of the Markets, the Kiama Business Network (**KBN**) and the Kiama Seaside Market Manager reserve the right to implement and enforce the Kiama Seaside Markets Code of Conduct and all related documents, including:

   i. The KSM Trading Terms and Conditions;

   ii. The KSM Stallholder Selection Criteria;

   iii. Any other policy or directive issued from time to time.

e. This Code of Conduct and the associated Rules and Regulations apply to all Stallholders, whether casual or regular, and whether past, present or future.

f. By applying to trade at KSM, Stallholders agree to:

   i. Abide by the most current version of this Code of Conduct and all associated documents;

   ii. Accept that KBN and the Market Manager may revise these documents at any time;

   iii. Be bound by any modifications, additions or updates, whether communicated electronically or otherwise.

g. Stallholders acknowledge that this Code of Conduct forms a binding part of the online registration and onboarding process and is a condition of participation in the Kiama Seaside Markets.

h. The current and most up-to-date version of the Code of Conduct and Trading Terms and Conditions is available on the official website: www.kiamaseasidemarkets.com.au.

i. Where any conflict exists between this document and any earlier version or communication, the most recent published version shall prevail.

2. Code of Conduct:

a. All Stallholders are required to comply with the following Code of Conduct. The purpose of this Code is to ensure the KSM operate in a safe, respectful, inclusive and high-standard environment.

b. By applying for and operating a stall at KSM, each Stallholder agrees to the following:

c. Respect and Courtesy

d. Act with respect, courtesy and dignity toward all persons at all times.

e. Interact professionally and constructively with members of the public, Market Management, KBN

representatives, volunteers, retailers and fellow Stallholders.

f. Avoid any form of aggressive, rude, abusive, or uncooperative behaviour.

g. Safe and Responsible Behaviour

h. Take reasonable steps to ensure the safety of yourself and others at all times.

i. Comply with all directions of Market Management or other authorised personnel relating to public safety, traffic management, emergencies, weather, or any other operational matter.

j. Avoid any conduct that could compromise health or safety obligations under the Work Health and Safety Act 2011 (NSW) and its associated regulations.

k. Integrity and Professionalism

l. Conduct all trading activities with honesty, transparency and in good faith.

m. Refrain from making false, misleading or disparaging statements about other Stallholders, their products, or Market Management.

n. Do not criticise other stalls, pricing, product ranges or display choices either publicly or privately while at KSM.

o. Harassment and Discrimination

p. Do not engage in any form of harassment, bullying, intimidation, discrimination, or unwanted physical contact.

q. Stallholders must act in accordance with the Anti-Discrimination Act 1977 (NSW) and all applicable federal legislation including the Sex Discrimination Act 1984 (Cth).

r. Offensive conduct, including profanity or vulgar language directed at others, will not be tolerated under any circumstance.

s. Positive Contribution

t. Strive to contribute to a positive, welcoming and inclusive market atmosphere.

u. Support and uphold the integrity, quality and values of the Kiama Seaside Markets brand and its associated partners.

v. Cooperate in good faith with Market Management to resolve any disputes or concerns in a timely and respectful manner.

w. Breaches of this Code may result in disciplinary action, including immediate removal from the Markets, refusal of future bookings, or permanent disqualification from participating in KSM. Market Management reserves full discretion in all such matters.

3. Unacceptable Behaviour

x. All Stallholders are strictly prohibited from engaging in any form of behaviour that may reasonably be considered unsafe, offensive, abusive, discriminatory, or otherwise incompatible with the objectives and values of the Kiama

Seaside Markets (KSM).

y. Unacceptable behaviour includes any conduct whether occurring in person, electronically, verbally or in writing, that causes or is likely to cause another person to feel:
   i. Unsafe or at risk;
   ii. Offended or humiliated;
   iii. Harassed, bullied or intimidated;
   iv. Subjected to discrimination or vilification.

z. The following are expressly prohibited and may lead to immediate removal from the Market and/or future disqualification:
   i. Bullying of any nature, including repeated unreasonable behaviour;
   ii. Verbal or physical abuse of any person;
   iii. Sexist conduct or sexual harassment, including unwanted or uninvited sexual behaviour;
   iv. Racism or racially motivated conduct;
   v. The use of offensive, insulting, aggressive, or derogatory language (including shouting or yelling);
   vi. Discriminatory conduct, including that relating to gender, race, age, disability, sexual orientation, religion or belief;
   vii. Offensive, threatening or inappropriate written communications (including emails, messages, social media posts, signage, and written correspondence);
   viii. Unwarranted, unjustified or unfounded criticisms of any person;
   ix. Intimidation or threats, whether direct or implied;
   x. Victimisation of any person for making a complaint or raising concerns;
   xi. Plagiarism, misappropriation of intellectual property, and copyright infringement of another person's product, branding, artwork or design.

aa. For the avoidance of doubt, a single serious incident may be sufficient to breach this clause. Unacceptable behaviour does not need to be repeated to attract action under this Code.

bb. All Stallholders must comply with relevant legal obligations under the following laws (non-exhaustive):
   i. *Work Health and Safety Act 2011* (NSW);
   ii. *Anti-Discrimination Act 1977* (NSW);
   iii. *Sex Discrimination Act 1984* (Cth);
   iv. *Racial Discrimination Act 1975* (Cth);
   v. *Fair Trading Act 1987* (NSW) and Australian Consumer Law.

cc. Any person who observes or experiences conduct in breach of this section should report the matter promptly

and confidentially to the Kiama Seaside Market Manager.

dd. All complaints and reports will be:
    i. Taken seriously;
    ii. Treated confidentially and impartially;
    iii. Investigated in a timely and respectful manner;
    iv. Handled with discretion in accordance with procedural fairness and natural justice.

ee. The first point of contact for all issues is the Market Manager, available via phone on 0457 773 063.

4. Breach of the Code of Conduct

a. Any failure by a Stallholder to comply with the terms of this Code of Conduct, or any associated market rules or policies, will be treated seriously by KSM management.

b. Upon receiving a report of alleged misconduct or breach of this Code:
    i. The Market Manager will initiate a preliminary review of the matter;
    ii. Where appropriate, the matter will be formally investigated;
    iii. All reports will be considered confidentially, impartially, and with procedural fairness.

c. Investigations will be guided by the principles of:
    i. Natural justice;
    ii. Fairness and reasonableness;
    iii. Ethical conduct by all parties involved;
    iv. Timely resolution of issues.

d. If the KSM Market Manager or Kiama Business Network determines that a Stallholder has breached the Code, appropriate disciplinary action will be taken based on the seriousness of the breach.

e. Disciplinary action may include (but is not limited to):
    i. A verbal warning;
    ii. A written warning;
    iii. Suspension from participation in one or more future market dates;
    iv. Permanent expulsion from the Kiama Seaside Markets;
    v. Referral to regulatory bodies or authorities, where required by law.

f. The decision of the KSM Market Manager (and where appropriate, the Kiama Business Network) is final. No correspondence will be entered into once a decision has been made, unless otherwise required by law.

g. All Stallholders acknowledge and agree that participation at the Kiama Seaside Markets is a privilege and not a

right. Breaches of this Code may result in removal without refund.

5. Market Management Rights

a. The "Market Manager retains full discretion and authority to regulate all aspects of the market's operation, including the conduct, approval, and participation of Stallholders.

b. The Market Manager may, without limitation, withhold, suspend or cancel a Stallholder's approval to trade at the KSM, or require immediate removal from the Market, in circumstances including (but not limited to) where a Stallholder:

   i. Fails to pay any stall fees in accordance with the applicable payment terms and deadlines;

   ii. Fails to comply with obligations relating to vehicle movement, access or traffic control;

   iii. Fails to comply with set-up or pack-down procedures as directed or published;

   iv. Trades outside of approved market trading hours;

   v. Commits or is reasonably suspected of having committed a criminal offence at or in connection with the KSM;

   vi. Behaves in a way which, in the Market Manager's reasonable opinion:

      A. Breaches the Code of Conduct or any associated policies or rules;

      B. Endangers the safety or wellbeing of others;

      C. Harms the reputation or smooth operation of the KSM;

      D. Is offensive, aggressive, uncooperative or otherwise inappropriate.

   vii. Creates or appears to create a real or perceived conflict of interest that may compromise the integrity of the market or the decision-making of Market Management.

c. The Market Manager further retains the right, without notice, to:

   i. Relocate any Stallholder to an alternative stall site or area of the Market at any time;

   ii. Direct that any goods, items or services not included as part of the Stallholder's approved product list be removed from sale immediately;

   iii. Require the Stallholder to undertake, without delay, any reasonable measures to improve:

A. The safety of the stall setup;

B. The hygiene or cleanliness of the stall;

C. The visual presentation or aesthetic of the stall;

D. The compliance of the stall or its operations with applicable laws or guidelines.

d. Attendance at one Market date does not guarantee approval to attend subsequent Market dates. Approval to trade is granted at the discretion of the Market Manager, in line with the Current Stallholder Selection Criteria and the operational needs of KSM.

e. All Stallholders participate at the invitation of the Market Manager and the Kiama Business Network, which may be withdrawn at any time in accordance with this clause and the general rules and policies of the Kiama Seaside Markets.

6. Reporting grievances

a. Stallholders or other participants who experience or witness conduct that is contrary to the Code of Conduct, Terms and Conditions, or Market Rules are encouraged to report the matter promptly, and in good faith.

b. Reports should be made:

   i. Initially by phone to the Market Manager on 0457 773 063; and

   ii. Subsequently, in writing to: managers@kiamaseasidemarkets.com.au

c. All written reports must include:

   i. A clear and detailed description of the conduct or incident;

   ii. The names of any parties involved (if known);

   iii. The time, date, and location of the alleged behaviour;

   iv. Any relevant supporting evidence or witnesses (if available).

d. Complainants must refrain from using derogatory, inflammatory, or defamatory language in any report.

e. Verbal complaints will not be dealt with on site during Market operating hours. All grievances must be submitted in writing for proper consideration and record-keeping.

f. Anonymous complaints or complaints not made in good faith may, at the discretion of the Market Manager or the Kiama Business Network, be disregarded without further action.

7. Disputes procedure

a. Where a dispute arises between:

i. Stallholders;

ii. A Stallholder and a retailer;

iii. A Stallholder and Market Management;

all parties are expected to act in good faith and with civility to resolve the matter at the earliest possible opportunity.

b. If a formal complaint is made about a Stallholder:

   i. The Market Manager will issue a written notice to the Stallholder outlining the substance of the complaint;

   ii. The Stallholder will be provided a reasonable opportunity to respond to the complaint in writing;

   iii. Failure to respond within the timeframe stipulated in the notice may result in Market Management making a decision in the absence of further submissions.

c. Upon review of the matter, if Market Management determines that the Stallholder has breached any part of the Code of Conduct, Market Rules, or Terms and Conditions, it may impose disciplinary action, including removal from the Market or suspension of future trading rights.

d. Should the Stallholder wish to appeal any decision made by Market Management, they may do so in writing to:

   i. The Board of the Kiama Business Network - Email: executive@kiamabusinessnetwork.com.au

e. The decision of the Kiama Business Network Board shall be final and binding.

f. Complaints about Market Management should be directed in writing to: The Board of the Kiama Business Network - Email: executive@kiamabusinessnetwork.com.au