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Michael Shepe
Commissioner

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Date

Victorian Farmers' Market Association

**Certification Trade Mark Rules
(Trade Mark 1331473)**

Table of Contents

| | |
|--|----|
| Definitions and interpretation..... | 1 |
| 1. Definitions..... | 1 |
| 2. Interpretation | 3 |
| Certification Standards..... | 3 |
| 3. Stallholder Standards | 3 |
| 4. Farmers' Market Standards | 7 |
| 5. Individual Product Standards..... | 7 |
| 6. Excluded Classes..... | 7 |
| Certification and Compliance Processes | 7 |
| 7. Stallholder Certification..... | 7 |
| 8. Farmers' Market Certification..... | 8 |
| 9. Individual Product Certification | 9 |
| 10. Term of Accreditation | 9 |
| 11. Ongoing Stallholder Compliance | 9 |
| 12. Assessors..... | 9 |
| 13. Independent Assessment Panel | 10 |
| 14. Notification of Decisions and Appeals..... | 10 |
| Conditions of Use of the Mark | 11 |
| 15. General Provisions | 11 |
| 16. Market Status | 11 |
| 17. Stallholder Duties | 11 |
| 18. Market Manager Duties | 12 |
| 19. Reserved Terms..... | 12 |
| 20. Early Termination of Stallholder Certification | 12 |
| 21. Stallholder Membership and Fees | 13 |

Certification Trade Mark Rules

Background

- A.** Founded in 2004 as a successor to the unincorporated Australian Farmers' Markets Association Conference, the Victorian Farmers' Market Association Inc (ABN 53 857 976 072) (VFMA) is an association incorporated under the laws of Victoria with the purpose of supporting and promoting authentic farmers' markets in Victoria.
- B.** Desiring to maintain the experience and ethos of the authentic farmers' market for stallholders and the buying public alike, VFMA has resolved to create a scheme of certification and compliance based on appropriate commercial standards (the **Scheme**).
- C.** The Scheme envisages the certification of:
 - a.** a controlled range of farm produce, value added food and drink products and ancillary non food products,
 - b.** the farmers, growers, artisan value adders and other producers selling the controlled range in their capacity as stallholders; and
 - c.** the markets at which they are sold, all in accordance with the requirements of the rules set out in this present document (the **Rules**).
- D.** The standards for certification are set out in the Rules along with appropriate reference to relevant external documents and information.

Definitions and interpretation

1. Definitions

1.1 In this Agreement:

Accredited means duly certified by VFMA or a Corresponding Authority under these Rules.

Applicant means any person seeking to become Accredited under these Rules.

Artisan means a person skilled in non-industrial food and drink preparation other than a Producer.

Artisan Value Added Food Product means a Value Added Food Product produced by an Artisan.

Converting Farmers' Market means a Farmers' Market converting to compliance with these Rules.

Corresponding Authority means a farmers' market association operating in a State or Territory other than the State of Victoria with which VFMA has a current

and valid Memorandum of Understanding or other instrument licensing or otherwise permitting that association to enforce these Rules on third parties within its home State or Territory.

Designated Metropolitan Area means a metropolitan area designated from time to time by VFMA or Corresponding Authority and published by any one or more of post, email, facsimile or webpage.

Designated Regional Area means a regional area designated from time to time by VFMA or Corresponding Authority and published by any one or more of post, email, facsimile or webpage.

Farmers' Market means a Market at which (i) Producers may sell, offer for sale or expose for sale Produce, Value Added Products and Non Food Products and (ii) Artisans may sell, offer for sale or expose for sale Artisan Value Added Products.

Foodstuffs means fresh foods grown or reared for human consumption, including fruit, vegetables, nuts, honey, herbs, meat, dairy produce, eggs and fish.

Mark means the farmers' market logo as shown in Australian Trade Mark number 1331473.

Market means a market for the sale of goods which is open to the public.

Non Food Product means a product which is derived from Produce but which is not intended for human consumption.

Plant Material means cut flowers, live plants and other plant materials except Foodstuffs.

Produce means either Foodstuffs or Plant Material.

Producer means a farmer, grower or other similar primary producer of Produce.

Production Group means a group of no more than (4) Producers in which (i) the Producer's Properties are within a 100km radius of a nominated lead Producer within the group or (ii) the Producer's Properties are within a single local government municipality or (iii) the Producer's Properties are within a single State government defined region. For the avoidance of doubt, a Production Group may not contain or comprise Artisans.

Property means (i) any definable area of land or water used by a Producer for farming, cultivation and ancillary production activities by virtue of ownership, leasing, licensing or similar legal rights, (ii) any definable area of land or water used by a Producer or Artisan for wild harvesting of plant or animal materials by virtue of ownership, leasing, licensing or similar legal rights, or (iii) any premises used for food or drink preparation by an Artisan.

Stallholder means either a Producer or Artisan entitled to hold a sales stall at a Farmer's Market.

Value Added Food Product means a prepared food product or prepared drink product containing Produce, including pies, cakes, tarts, breads, cordials, juices and tonics.

2. Interpretation

2.1 In these Rules, the following rules of interpretation apply unless the context requires otherwise:

- (a)** headings are for convenience only and do not affect interpretation;
- (b)** a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:
 - (i)** that Statutory Provision as amended or re-enacted from time to time;
 - (ii)** a statute, regulation or provision enacted in replacement of that Statutory Provision; and
 - (iii)** another regulation or statutory instrument made or issued under the Statutory Provision;
- (c)** the singular includes the plural and conversely;
- (d)** a gender includes all genders;
- (e)** where a word or phrase is defined its other grammatical forms have a corresponding meaning;
- (f)** a reference to a person includes a body corporate and unincorporated body or other entity and conversely;
- (g)** a reference to a Rule or schedule is to a Rule of or schedule to these Rules;
- (h)** a reference to "\$" or "dollars" means a reference to the Australian currency;
- (i)** where a person has a right to approve or consent to any act, matter, or thing under or in connection with these Rules, that person may withhold or refuse such approval or consent in its absolute and unfettered discretion;
- (j)** a reference to a right or obligation of any two or more persons confers that right or imposes that obligations as the case may be jointly and severally; and
- (k)** a reference to 'include', 'including' or cognates is to be construed without limitation.

Certification Standards

3. Stallholder Standards

3.1 For a Producer, Production Group or Artisan to be considered eligible to be Accredited as a Stallholder and, once Accredited, continue to be Accredited as a Stallholder by VFMA or Corresponding Authority, that Producer, Production Group or Artisan must be recognised as falling within at least one of the Producer or Artisan groupings set out below (**Groups**) and recognised as meeting all of the

corresponding requirements for the applicable Group or Groups set out below. Where a Producer or Artisan is eligible to be Accredited or is Accredited in more than one Group, all such classification is deemed and is to be dealt with severally, independently and separately.

3.2 The Groups recognised under these Rules are:

- (a) **Group 1:** Producers of fresh fruit and vegetables, nuts, honey, herbs, plants and cut flowers.
- (b) **Group 2:** Producers of meat, dairy, fish and eggs.
- (c) **Group 3:** Shared farm stall Producers.
- (d) **Group 4:** Artisans selling, offering for sale or exposing for sale Artisan Value Added Products.

3.3 In order to be recognised within Group 1, the Producer must comply with the following requirements:

- (a) The Producer is only permitted to sell, offer for sale or expose for sale Produce within this Group at a Converting Farmers' Market or an Accredited Farmer's Market if the Produce is sourced directly from the Producer's Property or, where relevant, the Producer's own beehives.
- (b) Although processing and packaging may be contracted out, the Producer is only permitted to sell, offer for sale or expose for sale a Value Added Food Product within this Group at a Converting Farmers' Market or Accredited Farmers' Market if:
 - (i) the main ingredient, being the greatest percentage by weight of ingredients, or defining ingredient, being the primary flavouring, of the relevant Value Added Food Product are sourced directly from the Producer's Property; and
 - (ii) the ingredients have a VAP Origin Score (as calculated in accordance with item 1 of Schedule 1) of 100 points or more.
- (c) Although processing and packaging may be contracted out, the Producer is only permitted to sell, offer for sale or expose for sale a Non Food Product within this Group at a Converting Farmers' Market or Accredited Farmer's Market if:
 - (i) the relevant Non Food Product contains at least 50% by weight of its raw ingredients sourced directly from the Producer's Property;
 - (ii) there is only one processing step between the raw ingredients and the relevant finished Non Food Product; and
 - (iii) no more than 10% of the aggregate of goods on display at the stall are Non Food Products..
- (d) At least one individual representative selling Produce, Value Added Food Products or Non Food Products within this Group for or on behalf of the Producer at a Converting Farmers' Market or an Accredited Farmers' Market must be involved in the Producer's business and have an intimate

knowledge of the relevant Produce, Value Added Food Products or Non Food Products.

3.4 In order to be recognised within Group 2, the Producer must meet the following requirements:

- (a) the Producer may only sell, offer for sale or expose for sale Produce within this Group at a Converting Farmers' Market or an Accredited Farmers' Market if the Produce is sourced directly from the Producer's Property.
- (b) If meat Produce (excluding poultry) is derived from animals owned by the Producer for less than 3 months prior to sale, offer for sale or exposure for sale at a Converting Farmers' Market or Accredited Farmers' Market by the Producer, then a Live Animal Origin Score of 100 points or greater (as calculated in accordance with Item 2 of Schedule 1) must be achieved if such Produce is to be sold, offered for sale or exposed for sale at a Converting Farmers' Market or Accredited Farmers' Market.
- (c) Although processing and packaging may be contracted out, the Producer may only sell, offer for sale or expose for sale a Value Added Food Product in this Group at a Converting Farmers' Market or Accredited Farmers' Market if:
 - (i) the main ingredient, being the greatest percentage by weight of ingredients, or defining ingredient, being the primary flavouring, of the relevant Value Added Food Product is directly sourced from the Producer's Property; and
 - (ii) the ingredients of the relevant Value Added Food Product have a VAP Origin Score (as calculated in accordance with Item 1 of Schedule 1) of 100 points or more.
- (d) Although processing and packaging may be contracted out, the Producer is only permitted to sell, offer for sale or expose for sale a Non Food Product in this Group at an Accredited Farmer's Market if:
 - (i) the relevant Non Food Product contains at least 50% by weight of its raw ingredients sourced directly from the Producer's Property;
 - (ii) there is only one processing step between the raw ingredients and the relevant finished Non Food Product; and
 - (iii) no more than 10% of the aggregate of goods on display at the stall are Non Food Product.
- (e) At least one individual representative selling Produce, Value Added Food Products or Non Food Products within this class for or on behalf of the Producer at a Converting Farmers' Market or an Accredited Farmers' Market must be involved in the Producer's business and have an intimate knowledge of the relevant Produce, Value Added Food Products or Non Food Products.

3.5 In order to be recognised within Group 3, the Production Group must meet the following requirements:

- (a) For a period not to exceed three years of stall operation, a Production Group may be certified as joint Stallholders within this Group.
- (b) Each Producer in a Production Group within this Group must individually meet the requirements of either Group 1 or Group 2.
- (c) The Produce, Value Added Food Products and Non Food Products supplied by a Production Group as joint Stallholders within this Group must be clearly marked to as to identify the individual Producer of origin.
- (d) For the first year of operation, a representative from each Producer, being a representative involved in the relevant Producer's business and having an intimate knowledge of the Produce, Added Value Food Product and Non Food Product must attend a minimum of one Converting Farmers' Market or Accredited Farmer's Market out of every ten (10) at which the joint Stallholder's stall operates.
- (e) If the joint Stallholders' stall continues to operate after the first year, a representative from each Producer, being a representative involved in the relevant Producer's business and having an intimate knowledge of the relevant Produce, Value Added Food Products and Non Food Products must attend a minimum of one Converting Farmers' Market or Accredited Farmer's Market out of every four (4) at which the joint Stallholders' stall operates.
- (f) At the end of the third year of operation, being no longer Accredited in this Group, the joint Stallholders must cease operation of the joint stall and, if they wish, seek individual Accredited status within Groups 1 or 2 as appropriate with a view to becoming individual Accredited Stallholders.

3.6 In order to be recognised within Group 4, the Artisan must meet the following requirements:

- (a) the Artisan may only sell, offer for sale or expose for sale an Artisan Value Added Food Product within this Group at a Converting Farmers' Market or an Accredited Farmers' Market if:
 - (i) the relevant Artisan Value Added Food Product is prepared using non-industrial methods directly from raw ingredients;
 - (ii) such preparation took place no more than 100km from the border of the State or Territory of sale, offer for sale or exposure for sale;
 - (iii) at least 80% of the ingredients are identified within all categories and the greatest number of categories have a VAP Origin Score (as calculated in accordance with Item 1 of Schedule 1) of 100 points or more; and
 - (iv) if one (1) product category scores less than 50 points on VAP Origin Score (as calculated in accordance with Item 1 of Schedule 1) and is produced by an otherwise Accredited Artisan, that product category must not comprise more than 10% of the aggregate of goods on display at the relevant stall.
- (b) At least one individual representative selling Artisan Value Added Food Products within this Group for or on behalf of the Artisan's at a Converting Farmers' Market or an Accredited Farmers' Market must be involved in

the Artisan's business and have an intimate knowledge of the relevant Artisan Value Added Food Products.

4. Farmers' Market Standards

4.1 A Farmers' Market may be recognised by VFMA or Corresponding Authority as a Converting Farmers' Market provided that its representatives submit to VFMA or Corresponding Authority satisfactory written evidence of its bona fide intentions and actions to become an Accredited Farmers' Market and thereafter complies with all reasonable advice and directions from VFMA or Corresponding Authority to achieve such Accredited status.

4.2 Except in relation to a Converting Farmers' Market, in order for a Farmer's Market to be eligible to be Accredited and, once Accredited, continue to be Accredited, the required percentage of Stallholders at that Farmer's Market must be Accredited, being at least 90% of Stallholders at Farmer's Markets held in Designated Metropolitan Areas and at least 75% of Stallholders at Farmer's Markets held in Designated Regional Areas.

5. Individual Product Standards

5.1 In order for a Value Added Food Product or an Artisan Value Added Food Product (for convenience, **Individual Product**) to be eligible to be Accredited in its own right and, once Accredited, continue to be Accredited in its own right, that Individual Product, including all batches and individual items thereof, must be produced by an Accredited Stallholder and must have an VAP Origin Score of 100 points or more (as calculated in accordance with Item 1 in Schedule 1).

6. Excluded Classes

6.1 For the avoidance of doubt, the following persons and things are not eligible for certification under these Rules.

- (a) Re-sellers of fruit, vegetables or any other farm based product;
- (b) Re-packagers of any food or drink;
- (c) Arts and crafts stalls; and
- (d) Bric-a-brac stalls.

Certification and Compliance Processes

7. Stallholder Certification

7.1 In order to apply to become an Accredited Stallholder, the Applicant must submit a written application in a form to be prescribed by VFMA and made available by VFMA or Corresponding Authority by any one or more of post, facsimile, email or webpage.

7.2 Upon receipt and processing of a valid application under this Rule, VFMA or Corresponding Authority may arrange for an initial inspection of the Applicant's Property and ancillary premises by an Assessor (**Initial Property Inspection**).

7.3 During or otherwise in relation to Initial Property Inspection, the Applicant must promptly make available in legible form at its own cost all such business records as the Assessor might reasonably require for application scrutiny.

- 7.4 During or otherwise in relation to Initial Property Inspection, the Applicant must promptly provide access at its own cost to all such persons as the Assessor might reasonably require to question or interview for application scrutiny.
- 7.5 The Assessor will as soon as reasonably practicable produce a written inspection report in a form to be prescribed by VFMA for submission to the relevant Independent Assessment Panel (**Stallholder Inspection Report**).
- 7.6 Upon receipt of the Stallholder Inspection Report, the relevant Independent Assessment Panel will determine whether the relevant application should be accepted or rejected and which determination will, subject only to any appeal provided for under these Rules, be final, conclusive and binding upon the Applicant.
- 7.7 In the case of Applicants in Production Groups, each Applicant must submit the relevant portion of an application form to be prescribed by VFMA, which portions together will constitute the application for the purposes of this Rule.
- 7.8 In the case of Applicants in Production Groups seeking to become joint Accredited Stallholders each Applicant must individually undergo and satisfy the certification process described in this Rule.
- 8. Farmers' Market Certification**
- 8.1 In order to be recognised as a Converting Farmers' Market, a Farmers' Market must submit a written application in a form to be prescribed by VFMA and made available by VFMA or Corresponding Authority by any one or more of post, facsimile, email or webpage.
- 8.2 In order to apply to become an Accredited Farmers' Market, a Converting Farmers' Market, must submit a written application in a form to be prescribed by VFMA and made available by VFMA or Corresponding Authority by any one or more of post, facsimile, email or webpage.
- 8.3 Upon receipt and processing of a valid application under this Rule, VFMA or Corresponding Authority will arrange for an initial inspection of the Applicant's market premises, including stalls, by an Assessor (**Initial Market Inspection**).
- 8.4 During or otherwise in relation to Initial Market Inspection, the Applicant must promptly make available at its own cost in legible form all such business records as VFMA or Corresponding Authority might reasonably require for application scrutiny.
- 8.5 During or otherwise in relation to Initial Market Inspection, the Applicant must promptly provide access at its own cost to all such persons as the Assessor might reasonably require to question or interview for application scrutiny.
- 8.6 The Assessor will as soon as reasonably practicable produce a written inspection report in a form to be prescribed by VFMA to the relevant Independent Assessment Panel (**Market Inspection Report**).
- 8.7 Upon receipt of the Market Inspection Report, the relevant Independent Assessment Panel determine whether the relevant application should be accepted or rejected and which determination will, subject to any appeal provided for under these Rules, be final, conclusive and binding upon the Applicant.

9. Individual Product Certification

- 9.1 In order to apply for recognition of an Individual Product, the Applicant must submit a written application in a form to be prescribed by VFMA and made available by VFMA or Corresponding Authority by any one or more of post, facsimile, email or website.
- 9.2 Upon receipt and processing of a valid application under this Rule, VFMA or Corresponding Authority will arrange for sampling of the Individual Product by an Assessor (Initial Product Inspection), the sample to be provided to the Assessor at the Applicant's own cost:
- 9.3 During or otherwise in relation to Initial Product Inspection, the Applicant must promptly make available in legible form at its own cost all such business records as the Assessor might reasonably require for application scrutiny.
- 9.4 During or otherwise in relation to Initial Product Inspection, the Applicant must promptly provide access at its own cost to all such persons as the Assessor might reasonably require to question or interview for application scrutiny.
- 9.5 The Assessor will as soon as reasonably practicable produce a written inspection report in a form to be prescribed by VFMA for submission to the relevant Independent Assessment Panel (Product Inspection Report).
- 9.6 Upon receipt of the Product Inspection Report, the relevant Independent Assessment Panel will determine whether the relevant application should be accepted or rejected and which determination will, subject only to any appeal provided for under these Rules, be final, conclusive and binding upon the Applicant.

10. Term of Accreditation

- 10.1 Accreditation under these Rules lasts for one (1) year from the date of grant (the Term). Persons Accredited under these Rules seeking to remain Accredited must apply for and obtain certification prior to the expiry of the Term. For the avoidance of doubt, the requirement for certification before the end of the Term does not affect and is not affected by the rules relating to joint Stallholder stalls in Class 3.

11. Ongoing Stallholder Compliance

- 11.1 Accredited Stallholders must permit random inspections of Property and ancillary premises by Assessors on one or more days during the Term to ensure compliance with these Rules. Such inspection will be undertaken by Assessors and are to be conducted under the same terms as Initial Property Inspections.
- 11.2 Accredited Stallholders must participate at least one (1) market day inspection during the Term, such market day inspection to be conducted by a duly authorised representative of VFMA or Corresponding Authority, or, if VFMA or Corresponding Authority agrees in writing, the relevant Market Manager. The relevant representative will submit a market day inspection report in a form to be prescribed by VFMA to the Independent Assessment Panel.

12. Assessors

- 12.1 Subject to bylaws or other suitable instruments promulgated by VFMA and Corresponding Authority from time to time, Assessors will be appointed from time to time by VFMA or Corresponding Authority on such terms as they deem fit,

based on their experience and expertise in the relevant Class and will be allocated to their tasks subject to availability.

13. Independent Assessment Panel

13.1 Subject to bylaws or other suitable instruments promulgated by VFMA and Corresponding Authority from time to time, each Independent Assessment Panel to be established by State or Territory will comprise a range of persons deemed in the sole opinion of the Committee of VFMA or Corresponding Authority as having suitable expertise and experience, such persons including Accredited Stallholders and Market Managers.

13.2 VFMA and Corresponding Authority may from time to time convene more than one (1) Independent Assessment Panel per State or Territory in order to handle workload expeditiously.

14. Notification of Decisions and Appeals

14.1 Subject to bylaws or other suitable instruments promulgated by VFMA or Corresponding Authority from time to time:

- (a) If an Applicant is unsuccessful in an application under these Rules (**Unsuccessful Applicant**), the Applicant will be issued with a copy of the relevant report with reasons.
- (b) If an Accredited Stallholder has had its certification terminated early (**Terminated Stallholder**), the termination will be confirmed in writing with reasons.
- (c) If an Unsuccessful Applicant has reasonable grounds to believe that their application was not processed in accordance with the rules of natural justice, they may appeal in writing to the Committee of VFMA or Corresponding Authority within one (1) month of the relevant decision being notified.
- (d) If a Terminated Stallholder has reasonable grounds to believe that the termination of their certification was not in accordance with the rules of natural justice, they may appeal in writing to the Committee of VFMA or Corresponding Authority within one (1) month of the relevant decision being notified.
- (e) At any time prior to the decision on appeal of Committee of VFMA or Corresponding Authority, an Unsuccessful Applicant (but not a Terminated Stallholder) may reapply for certification, which application will not prejudice or be prejudiced by the appeal.
- (f) Committee of VFMA or Corresponding Authority will promptly review the matter and may avail itself of such inspections as are deemed fit (whether conducted by Committee members or such independent third parties as the Committee chooses to appoint), the costs of such inspections to be borne by the appellant.
- (g) Committee of VFMA or Corresponding Authority will issue its decision on the appeal in writing with reasons.
- (h) Save as provided below, the decision on appeal of Committee of VFMA is binding, conclusive and final.

- (i) Any person aggrieved by any decision under this Rule 14 may seek binding commercial arbitration by an arbitrator chosen by agreement of the parties to the arbitration or, in default of such agreement, by the President of the Law Society for the Australian Capital Territory.

Conditions of Use of the Mark

15. General Provisions

- 15.1 Subject to the provisions of these Rules and prior written approval of its packaging and promotional material by VFMA or Corresponding Authority, an Accredited Farmers' Market is permitted to use and otherwise exploit the Mark on a non-exclusive, Australia-wide basis as an approved user under section 172, *Trade Marks Act 1995* (Cth.) (**Approved Users**)
- 15.2 Subject to the provisions of these Rules and prior written approval of its packaging and promotional material by VFMA or Corresponding Authority, a Converting Farmers' Market is permitted to use and otherwise exploit the Mark on a non-exclusive, Australia-wide basis as an Approved User for a period not to exceed six (6) months after its recognition by VFMA or Corresponding Authority.
- 15.3 Subject to the provisions of these Rules and prior written approval of its packaging and promotional material by VFMA or Corresponding Authority, an Accredited Stallholder is permitted to use and otherwise exploit the Mark on a non-exclusive, Australia-wide basis as an Approved User.
- 15.4 Subject to the provisions of these Rules and prior written approval of its promotional material by VFMA, Corresponding Authority is permitted to use and otherwise exploit the Mark on a non-exclusive, Australia-wide basis as an Approved User and is also permitted to approve the use and other exploitation of third parties.
- 15.5 VFMA may from time to time promulgate design and other technical specifications relating to use of the Mark, which specifications must be observed in the use or other exploitation of the Mark.

16. Market Status

- 16.1 If a Converting Farmers' Market or Accredited Farmers' Market is a legal entity, then permission to use or otherwise exploit the Mark is granted to that entity separately from its membership, including where relevant Stallholders, on condition that its use or other exploitation must be such that the public is not confused or deceived as to certification of that Market as a whole as distinct from Stallholders.
- 16.2 If a Converting Farmers' Market or Accredited Farmers' Market is not a legal entity, including an unincorporated association, then permission to use or otherwise exploit the Mark is granted to the membership individually on condition that its use or other exploitation must be such that the public is not confused or deceived as to certification of that Market as a whole as distinct from Stallholders.

17. Stallholder Duties

- 17.1 Accredited Stallholders must not use or otherwise exploit the Mark on or in relation to Produce, Value Added Food Products and Non Food Products sold, offered for sale or exposed for sale through a Market which is not Accredited.

17.2 Accredited Stallholders must not use or otherwise exploit the mark in relation to individual items or batches of Value Added Food Product or Artisan Value Added Food Product unless such products have been separately certified under Rule 5.

17.3 Accredited Stallholders must monitor use and other exploitation of the Mark and compliance with these Rules by other persons, including Converting Farmers' Markets and Accredited Farmers' Markets, and must notify any misuse or other breach to VFMA or Corresponding Authority.

18. Market Manager Duties

18.1 Persons owning, operating or otherwise responsible for Converting Farmers' Markets and Accredited Farmers' Markets (**Market Managers**) must only use or otherwise exploit the Mark in relation to Converting Farmers' Markets or Accredited Farmers' Markets. For the avoidance of doubt, if a Market Manager wishes to own, operate or otherwise be responsible for any Market other than a Converting Farmers' Market or Accredited Farmers' Market, that person may do so but may not use or otherwise exploit the Mark in connection with any such Market unless and until such Market is Accredited.

18.2 Market Managers must monitor use and other exploitation of the Mark by any persons, including Accredited Stallholders, and compliance with these Rules by Accredited Stallholders and must notify any misuse or other breach to VFMA or Corresponding Authority.

19. Reserved Terms

19.1 No Accredited Stallholder or Accredited Farmers' Market may use, cause to be used or permit to be used the following terms or any associated trade marks in relation to Produce, Value Added Food Products, Non Food Products or Artisan Value Added Food Products except as indicated:

(a) **ORGANIC**, unless duly permitted to do so by an appropriate organisation listed in Item 3 of Schedule 1; and

(b) **FREE RANGE**, unless duly permitted to do so by an appropriate organisation listed in Item 3 of Schedule 1.

20. Early Termination of Stallholder Certification

20.1 VFMA or Corresponding Authority may terminate before the end of the Term the certification of an Accredited Stallholder following immediately upon the aggregate of a verbal warning, a written warning and a final written warning, any such warning being issued by either a duly authorised representative of VFMA or Corresponding Authority or a Market Manager in connection with a market day inspection or by an Assessor in connection with a random inspection as the case may be.

20.2 VFMA or Corresponding Authority may terminate before the end of the Term the certification of an Accredited Stallholder following immediately upon failure to pay any applicable fees under these Rules.

20.3 The termination of an Accredited Stallholder in a Production Group in Class 3 will not affect the certification of the remaining members of that Production Group.

21. Stallholder Membership and Fees

- 21.1** It is a condition of use of the Mark and certification under these Rules that, with effect from a date to be notified by VFMA or Corresponding Authority by any one or more of post, email, facsimile or webpage, Accredited Stallholders must pay such fees for certification and other activities in these Rules as VFMA or Corresponding Authority may set from time to time and notify by any one or more of post, email, facsimile or webpage.
- 21.2** It is a condition of use of the Mark and certification under these Rules that, with effect from a date to be notified by VFMA or Corresponding Authority by any one or more of post, email, facsimile or webpage, Accredited Stallholders must be members of VFMA or Corresponding Authority.

SCHEDULE 1: Additional Materials

Item 1 VAP Origin Score

Origin points are scored as follows:

Percentage of where the ingredients are from in each category

| | | | | | | |
|-------------------------|---|---|--------|---|--|--|
| Own land | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;">%</td></tr></table> | % | X 3 | = | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;"></td></tr></table> | |
| % | | | | | | |
| | | | | | | |
| Another stallholder | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;">%</td></tr></table> | % | X 2.5 | = | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;"></td></tr></table> | |
| % | | | | | | |
| | | | | | | |
| Local region | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;">%</td></tr></table> | % | X 2 | = | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;"></td></tr></table> | |
| % | | | | | | |
| | | | | | | |
| Within the state | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;">%</td></tr></table> | % | X 1.5 | = | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;"></td></tr></table> | |
| % | | | | | | |
| | | | | | | |
| Interstate ¹ | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;">%</td></tr></table> | % | X 0.5 | = | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;"></td></tr></table> | |
| % | | | | | | |
| | | | | | | |
| Overseas | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;">%</td></tr></table> | % | X -0.5 | = | <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="width: 20px; height: 15px;"></td></tr></table> | |
| % | | | | | | |
| | | | | | | |

Total Points scored is the weighted sum of all scores

¹ If the following criteria are met, then interstate ingredients are multiplied by 1.5 instead of 0.5:

1. the primary ingredient cannot be grown in Victoria due to climatic or other conditions, and
2. the primary ingredient is overwhelmingly usually imported, and the applicant has directly sourced an Australian alternative that is the focus of their business

Category

A category of products is created using the same manufacturing process, and similar, substitutable ingredients, where the ingredients are from the same source.

For example

Category 1: Chicken Pies, Products: chicken pies, chicken and leek pies.

Category 2: Beef pies, Products: Beef pies, beef and vegetable pies

If the chicken and beef are from different sources, they must be separate categories as shown. If they were from the same source, then "Meat Pies" could include all the chicken and beef pie products listed

Item 2 Live Animal Origin Score

Percentage of animals from specialty markets (complete for each species)

| | | | | |
|---|------------------------|-------|---|----------------------|
| Own or leased land | <input type="text"/> % | X 0.7 | = | <input type="text"/> |
| Specialty market | <input type="text"/> % | X 0.4 | = | <input type="text"/> |
| Non specialty market | <input type="text"/> % | X 0.2 | = | <input type="text"/> |
| Total Points scored is the weighted sum of all scores | | | | <input type="text"/> |

Percentage animals by length of time animals are held on applicants property (complete for each species)

| | | | | |
|---|------------------------|-------|---|----------------------|
| Less than 3 months | <input type="text"/> % | X 0.3 | = | <input type="text"/> |
| 3-6 months | <input type="text"/> % | X 0.4 | = | <input type="text"/> |
| 6-12 months | <input type="text"/> % | X 0.5 | = | <input type="text"/> |
| More than 12 months | <input type="text"/> % | X 0.7 | = | <input type="text"/> |
| Total Points scored is the weighted sum of all scores | | | | <input type="text"/> |

Percentage of animals by origin distance (complete for each species)

| | | | | |
|---|------------------------|-------|---|----------------------|
| Home farm | <input type="text"/> % | X 0.5 | = | <input type="text"/> |
| Victorian <100kms | <input type="text"/> % | X 0.4 | = | <input type="text"/> |
| Victoria 100-200 | <input type="text"/> % | X 0.3 | = | <input type="text"/> |
| Victoria >200 | <input type="text"/> % | X 0.2 | = | <input type="text"/> |
| Interstate | <input type="text"/> % | X 0.1 | = | <input type="text"/> |
| Overseas | <input type="text"/> % | X 0.0 | = | <input type="text"/> |
| Total Points scored is the weighted sum of all scores | | | | <input type="text"/> |

Total Live Animal Origin Score is the sum of these three scores

Item 3: Organisations



National Association for Sustainable Agriculture (NASAA)

P.O. Box 768
Stirling SA 5152
Phone: (08) 8370 8455
[website](#)



Australian Certified Organic

P.O. Box 530
Chermside QLD 4032
Phone: (07) 3350 5716
[website](#)



Organic Growers of Australia (OGA)

P.O. Box 6171
South Lismore NSW 2480
Phone: (02) 6622 0100
[website](#)



Organic Food Chain (OFC)

P.O. Box 2390
Toowoomba QLD 4350
Phone: (07) 4637 2600
[website](#)



Safe Food Queensland

P.O. Box 440
Spring Hill QLD 4004

Phone: 1800 300 815
[website](#)



Tasmanian Organic-Dynamic Producers (TOP)

P.O. Box 13
Campbell Town TAS 7210
Phone: (03) 6381 2004
[website](#)



Bio-dynamic Research Institute (BDRI)

Main Road
Powelltown VIC 3797
Phone: (03) 5966 7333
[website](#)

Free Range Farmers' Association Vic Inc



Egg Corp Assured



Free Range Egg and Poultry Australia Ltd