



What does the Horticulture Code of Conduct mean for WHOLESALERS?

Under the Horticulture Code of Conduct:

1. Wholesalers and growers will use **written agreements** setting out how trade will be conducted, including whether the wholesaler will trade as an agent or as a merchant.
2. Wholesalers will provide growers with a **terms of trade document** containing preferred trading conditions. This will provide wholesalers with an opportunity to clarify their trading requirements and promote their services to growers.
 - It is anticipated that the terms of trade and written agreements will be relatively standard across the industry.
3. Wholesalers will provide **written reports** to growers with basic information about the purchase of the grower's produce, under a merchant transaction, or the sale of the grower's produce, under an agent transaction.
 - Wholesalers are not required to provide growers with the names and contact details of the people who buy produce, unless the grower is required to recover debts.
4. Wholesalers and growers will have **clarification** about when ownership of produce transfers and when prices are agreed.
5. **Prices will be agreed in writing** under merchant trading arrangements.
6. Wholesalers and growers can appoint **Horticulture Assessors** to investigate and report on produce quality or transaction details.

7. Wholesalers and growers can access a **low cost dispute resolution** process and mediators appointed by the **Horticulture Mediation Advisor** if a dispute occurs.
8. Wholesalers and growers have the opportunity to **strengthen existing trading relationships**.

The Horticulture Code of Conduct is a mandatory code under the *Trade Practices Act 1974* (the Act) and as such, has the force of law. The Australian Competition and Consumer Commission ensures compliance with the Horticulture Code of Conduct and the Act by informing wholesalers and growers of their rights and obligations under the law and enforcing the law if necessary.

For more information, please visit the:

Department of Agriculture, Fisheries and Forestry website at www.daff.gov.au/hortcode.

Australian Competition and Consumer Commission website at www.accc.gov.au/industrycodes or call the ACCC Infocentre on **1300 302 502**.