

Horticulture Code of Conduct

- The Horticulture Code of Conduct is a mandatory industry code prescribed under the Competition and Consumer Act 2010.
- The code's aim is to improve clarity and transparency of trade between growers and traders.
- The code requires all trade in horticultural produce to have a horticulture produce agreement.
- Growers and traders must deal in good faith, and failure to do so can lead to penalties.

Terms of trade must be published and made publicly available

Under the horticulture code, the trader must ensure their terms of trade are published and made publicly available.

This requirement is intended to:

- help a grower understand the services being offered by a trader
- increase market transparency by allowing growers to compare proposed terms and conditions between traders.

Making terms of trade available on a public website is a good way to comply with the code. Many traders choose to publish their terms of trade:

- on their own website, or
- on a third-party website, such as a trader representative group site.

However, the code doesn't actually define 'publish and make publicly available', and it is up to each trader how they meet this requirement.

The ACCC expects that traders will do more than just making terms of trade available upon request, or available at their business premises, especially when not displayed in a location accessible to the public.

Penalties may apply in cases where the terms of trade have not been published and made publicly available.