



Competition and Consumer (Industry Codes— Franchising) Amendment (Additional Information) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 November 2022

David Hurley
Governor-General

By His Excellency's Command

Julie Collins
Minister for Small Business

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
	Schedule 1—Amendments	2
	<i>Competition and Consumer (Industry Codes—Franchising) Regulation 2014</i>	<i>2</i>

1 Name

This instrument is the *Competition and Consumer (Industry Codes—Franchising) Amendment (Additional Information) Regulations 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	11 November 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Competition and Consumer Act 2010*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Competition and Consumer (Industry Codes—Franchising) Regulation 2014

1 Subparagraph 53A(2)(b)(ii) of Schedule 1

Repeal the subparagraph, substitute:

- (ii) information that relates to a particular franchisee of the franchisor; or
- (iii) information that relates to a particular site being occupied by a franchisee of the franchisor.

2 After paragraph 53A(3)(c) of Schedule 1

Insert:

- ; (d) a logo of the franchisor.

3 Paragraph 53B(4)(b) of Schedule 1

Repeal the paragraph, substitute:

- (b) information that relates to a particular franchisee of the franchisor; or
- (c) information that relates to a particular site being occupied by a franchisee of the franchisor; or
- (d) information of a kind determined under subclause (5).

4 At the end of clause 53B of Schedule 1

Add:

- (5) The Secretary may, by legislative instrument, determine kinds of information that may be removed from the Register, or enable a document to be removed from the Register, under subclause (4).

5 Paragraph 53C(2)(g) of Schedule 1

After “Secretary”, insert “under a determination”.

6 Paragraph 53C(3)(a) of Schedule 1

After “Secretary”, insert “in writing”.

7 Subclause 53C(4) of Schedule 1

Repeal the subclause, substitute:

Franchisors may be required to provide information to the Secretary

- (4) The Secretary may, by legislative instrument, determine that each or a specified franchisor must provide to the Secretary information that is required to be included in a disclosure document created by the franchisor if the information is not:
 - (a) personal information that relates to an individual other than the franchisor; or
 - (b) information that relates to a particular franchisee of the franchisor; or

- (c) information that relates to a particular site being occupied by a franchisee of the franchisor.

Note 1: For specification of one or more classes of franchisors, see subsection 13(3) of the *Legislation Act 2003*.

Note 2: Clause 8 requires certain information to be included in a disclosure document.

8 Paragraph 53D(2)(g) of Schedule 1

After “Secretary”, insert “under a determination”.

9 Paragraph 53D(3)(a) of Schedule 1

After “Secretary”, insert “in writing”.

10 Subclause 53D(4) of Schedule 1

Repeal the subclause, substitute:

Franchisors may be required to provide information to the Secretary

- (4) The Secretary may, by legislative instrument, determine that each or a specified franchisor must provide to the Secretary information that is required to be included in a disclosure document created by the franchisor if the information is not:
- (a) personal information that relates to an individual other than the franchisor; or
 - (b) information that relates to a particular franchisee of the franchisor; or
 - (c) information that relates to a particular site being occupied by a franchisee of the franchisor.

Note 1: For specification of one or more classes of franchisors, see subsection 13(3) of the *Legislation Act 2003*.

Note 2: Clause 8 requires certain information to be included in a disclosure document.

11 Subparagraph 53E(2)(b)(vii) of Schedule 1

After “Secretary”, insert “under a determination”.

12 Paragraph 53E(2)(c) of Schedule 1

After “Secretary”, insert “under a determination”.

13 Paragraph 53E(3)(a) of Schedule 1

After “Secretary”, insert “in writing”.

14 Paragraph 53E(3)(b) of Schedule 1

Repeal the paragraph, substitute:

- (b) at least once for each financial year that:
- (i) if the franchisor was required by clause 53C to provide information for inclusion in the Register—ends after 31 October 2022; or
 - (ii) if the franchisor was required by clause 53D to provide information for inclusion in the Register for a franchise agreement the franchisor is proposing to enter into—ends after the day the franchisor enters into the franchise agreement; and

15 Subclause 53E(4) of Schedule 1

Repeal the subclause, substitute:

Franchisors may be required to provide information to the Secretary

- (4) The Secretary may, by legislative instrument, determine that each or a specified franchisor must provide to the Secretary information that is required to be included in a disclosure document created by the franchisor if the information is not:
- (a) personal information that relates to an individual other than the franchisor; or
 - (b) information that relates to a particular franchisee of the franchisor; or
 - (c) information that relates to a particular site being occupied by a franchisee of the franchisor.

Note 1: For specification of one or more classes of franchisors, see subsection 13(3) of the *Legislation Act 2003*.

Note 2: Clause 8 requires certain information to be included in a disclosure document.

16 Subparagraph 53F(2)(a)(ii) of Schedule 1

Repeal the subparagraph, substitute:

- (ii) information that relates to a particular franchisee of the franchisor;
- (iii) information that relates to a particular site being occupied by a franchisee of the franchisor; and

17 In the appropriate position in Part 6 of Schedule 1

Insert:

Division 5—Amendments made by the Competition and Consumer (Industry Codes—Franchising) Amendment (Additional Information) Regulations 2022

72 Application of amendments

- (1) The amendments of clause 53B made by the amending regulations apply in relation to information or documents included in the Register before, on or after the commencement day.
- (2) The amendments of clause 53D made by the amending regulations apply in relation to franchise agreements entered into on or after the commencement day.
- (3) If paragraph 53D(3)(b) would, apart from this clause, require a franchisor to provide information at least 14 days before a day in November 2022 that is on or after the commencement day, that paragraph applies to the franchisor as if it required the information to be provided on or before 30 November 2022.
- (4) In this clause:

amending regulations means the *Competition and Consumer (Industry Codes—Franchising) Amendment (Additional Information) Regulations 2022*.

commencement day means the day the amending regulations commence.

- Note: The information required by subclause 53C(3) to be provided on or before 14 November 2022 will include any information required to be provided under a determination under subclause 53C(4), as substituted by the amending regulations, if:
- (a) the commencement day is 14 November 2022 or an earlier day; and
 - (b) that determination is made on or before 14 November 2022.