



# **Competition and Consumer (Industry Codes— Dairy) Amendment (2023 Measures No. 1) Regulations 2023**

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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 13 December 2023

David Hurley  
David Hurley  
Governor-General

By His Excellency's Command

Murray Watt  
Murray Watt  
Minister for Agriculture, Fisheries and Forestry  
for the Assistant Minister for Competition, Charities and Treasury

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## 1 Name

This instrument is the *Competition and Consumer (Industry Codes—Dairy) Amendment (2023 Measures No. 1) Regulations 2023*.

## 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.	19 December 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### Part 1—Amendments relating to arbitration and mediation

#### *Competition and Consumer (Industry Codes—Dairy) Regulations 2019*

##### 1 Section 5

Repeal the following definitions:

- (a) definition of *arbitration adviser*;
- (b) definition of *arbitrator*;
- (c) definition of *mediation adviser*;
- (d) definition of *mediator*.

##### 2 Section 5

Insert:

*Ombudsman* means the Australian Small Business and Family Enterprise Ombudsman.

##### 3 After section 5

Insert:

#### 5A Functions of the Ombudsman relating to the Code

The Ombudsman has the following functions in relation to the Code:

- (a) keeping lists of persons who can provide services of arbitration or mediation;
- (b) in accordance with the Code, appointing persons who can provide services of arbitration or mediation;
- (c) requesting and receiving information about disputes that are being, or have been, dealt with under the Code.

##### 4 Sections 44 and 45

Repeal the sections.

##### 5 Subsection 48(2)

Omit “mediation adviser”, substitute “Ombudsman”.

##### 6 Subsection 48(3)

Omit “mediation adviser” (first occurring), substitute “Ombudsman”.

##### 7 Paragraph 48(3)(a)

After “appoint a mediator”, insert “from the list kept by the Ombudsman under paragraph 5A(a)”.

##### 8 Paragraph 48(3)(a)

Omit “mediation adviser”, substitute “Ombudsman”.

**9 Subsection 48(6) (heading)**

Omit “*mediation adviser*”, substitute “*Ombudsman*”.

**10 Subsection 48(6)**

Omit “the mediation adviser”, substitute “the Ombudsman”.

**11 Paragraph 48(9)(c)**

Omit “mediation adviser”, substitute “Ombudsman”.

**12 Paragraph 49(4)(a)**

Omit “mediation adviser”, substitute “Ombudsman”.

**13 Subsection 51(2)**

Omit “arbitration adviser”, substitute “Ombudsman”.

**14 Subsection 51(3)**

Omit “arbitration adviser” (first occurring), substitute “Ombudsman”.

**15 Paragraph 51(3)(a)**

After “appoint an arbitrator”, insert “from the list kept by the Ombudsman under paragraph 5A(a)”.

**16 Paragraph 51(3)(a)**

Omit “arbitration adviser”, substitute “Ombudsman”.

**17 Subsection 51(6) (heading)**

Omit “*arbitration adviser*”, substitute “*Ombudsman*”.

**18 Subsection 51(6)**

Omit “the arbitration adviser”, substitute “the Ombudsman”.

**19 Paragraph 51(9)(c)**

Omit “arbitration adviser”, substitute “Ombudsman”.

**20 Paragraph 52(3)(a)**

Omit “arbitration adviser”, substitute “Ombudsman”.

**21 At the end of Part 3**

Add:

**Division 2—Amendments made by the Competition and Consumer  
(Industry Codes—Dairy) Amendment (2023 Measures No.  
1) Regulations 2023**

**59 Application of amendments made by the *Competition and Consumer (Industry  
Codes—Dairy) Amendment (2023 Measures No. 1) Regulations 2023***

The amendments made by Part 1 of Schedule 1 to the *Competition and Consumer (Industry Codes—Dairy) Amendment (2023 Measures No. 1) Regulations 2023* apply in relation to a mediation or arbitration in respect of which the appointment of a mediator or an arbitrator is requested on or after the commencement of this section.



## **Part 2—Other amendments**

### ***Competition and Consumer (Industry Codes—Dairy) Regulations 2019***

#### **22 Section 5 (definition of *minimum price*)**

Omit “supplied”, substitute “that meets the processor’s milk quality requirements specified in the agreement and that is supplied”.

#### **23 Subsection 6(9)**

Omit “2023”, substitute “2026”.