

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

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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