



Competition and Consumer Legislation Amendment (Horticulture and Oil Industry Codes) Regulations 2025

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 20 February 2025

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Julie Collins
Minister for Small Business

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1 Name

This instrument is the *Competition and Consumer Legislation Amendment (Horticulture and Oil Industry Codes) Regulations 2025*.

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.	22 February 2025

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Competition and Consumer (Industry Codes—Horticulture) Regulations 2017

1 Clause 5 of Schedule 1 (definition of *horticulture produce assessor*)

Omit “mediation adviser”, substitute “Ombudsman”.

2 Clause 5 of Schedule 1 (definition of *mediation adviser*)

Repeal the definition.

3 Clause 5 of Schedule 1 (definition of *mediator*)

Omit “mediation adviser”, substitute “Ombudsman”.

4 Clause 5 of Schedule 1

Insert:

Ombudsman means the Australian Small Business and Family Enterprise Ombudsman.

Note: This code confers various functions on the Ombudsman.

5 Division 2 of Part 5 of Schedule 1 (heading)

Omit “Mediation adviser and mediators”, substitute “Mediators”.

6 Clause 39 of Schedule 1

Repeal the clause, substitute:

39 List of mediators

The Ombudsman must compile a list of persons who are to be mediators for the purposes of this Part.

7 Clause 40 of Schedule 1

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

8 Subclause 40(6) of Schedule 1

Omit “adviser” (second occurring), substitute “Ombudsman”.

9 Clause 41 of Schedule 1 (heading)

Omit “mediation adviser”, substitute “Ombudsman”.

10 Subclause 41(1) of Schedule 1

Omit “mediation adviser”, substitute “Ombudsman”.

11 Subclause 41(1) of Schedule 1

Omit “adviser” (second occurring), substitute “Ombudsman”.

12 Subclause 41(2) of Schedule 1

Omit “mediation adviser”, substitute “Ombudsman”.

13 Clause 42 of Schedule 1

Omit “mediation adviser”, substitute “Ombudsman”.

14 Paragraph 43(1)(c) of Schedule 1

Omit “mediation adviser”, substitute “Ombudsman”.

15 Paragraph 44(5)(a) of Schedule 1

Omit “mediation adviser”, substitute “Ombudsman”.

16 Subclause 47(1) of Schedule 1

Omit “mediation adviser”, substitute “Ombudsman”.

17 Subparagraph 49(b)(i) of Schedule 1

Omit “mediation adviser”, substitute “Ombudsman”.

18 Part 8 of Schedule 1 (after the heading)

Insert:

Division 1—Repeal of old regulations

19 Clause 57 of Schedule 1

Omit “Part”, substitute “Division”.

20 At the end of Part 8 of Schedule 1

Add:

**Division 2—Amendments made by the Competition and Consumer
Legislation Amendment (Horticulture and Oil Industry
Codes) Regulations 2025**

64 Definitions

In this Division:

amending regulations means the *Competition and Consumer Legislation Amendment (Horticulture and Oil Industry Codes) Regulations 2025*.

commencement day means the day on which the amending regulations commence.

old code means this code as in force immediately before the commencement of the amending regulations.

65 Saving—pending dispute resolution procedures

Despite the amendments made by the amending regulations on the commencement day, the old code continues to apply on and after that day, in relation to a dispute, if, before that day:

- (a) a party to the dispute requested the mediation adviser to appoint a mediator for the dispute; and
- (b) the dispute resolution procedure under Part 5 of the old code was ongoing in relation to the dispute.

66 Saving—investigations by horticulture produce assessors

Despite the amendments made by the amending regulations on the commencement day, the old code continues to apply on and after that day, in relation to a matter arising under an agreement, if, before that day:

- (a) a horticulture produce assessor was appointed in relation to the matter; and
- (b) the horticulture produce assessor had not:
 - (i) prepared a report in accordance with clause 51 of the old code; and
 - (ii) given a copy of the report to the persons mentioned in that clause.

Part 2—Oil Code of Conduct

Competition and Consumer (Industry Codes—Oil) Regulations 2017

21 Clause 4 of Schedule 1 (definition of *dispute resolution adviser*)

Repeal the definition.

22 Clause 4 of Schedule 1

Insert:

Ombudsman means the Australian Small Business and Family Enterprise Ombudsman.

Note: This code confers various functions on the Ombudsman.

23 Clause 41 of Schedule 1

Repeal the clause, substitute:

41 Ombudsman to advise Minister

The Ombudsman is to advise the Minister on dispute resolution under this Part.

24 Subclause 42(2) of Schedule 1

Omit “dispute resolution adviser”, substitute “Ombudsman”.

25 Clause 43 of Schedule 1

Omit “dispute resolution adviser” (wherever occurring), substitute “Ombudsman”.

26 Clause 44 of Schedule 1

Omit “dispute resolution adviser” (wherever occurring), substitute “Ombudsman”.

27 Clause 45 of Schedule 1

Omit “dispute resolution adviser” (wherever occurring), substitute “Ombudsman”.

28 At the end of Part 5 of Schedule 1

Add:

Division 2—Amendments made by the Competition and Consumer Legislation Amendment (Horticulture and Oil Industry Codes) Regulations 2025

49 Saving—pending dispute resolution procedures

- (1) Despite the amendments made by the amending regulations on the commencement day, the old code continues to apply on and after that day, in relation to a dispute, if, before that day:
 - (a) a party to the dispute:
 - (i) asked the dispute resolution adviser to attempt to resolve the dispute under subclause 43(3) of the old code; or

- (ii) notified the dispute resolution adviser under paragraph 44(2)(b) of the old code that the parties could not agree in relation to the dispute; and
- (b) the dispute resolution procedure under Part 4 of the old code was ongoing in relation to the dispute.

(2) In this clause:

amending regulations means the *Competition and Consumer Legislation Amendment (Horticulture and Oil Industry Codes) Regulations 2025*.

commencement day means the day on which the amending regulations commence.

old code means this code as in force immediately before the commencement of the amending regulations.