



Horticulture Code of Conduct

You may not be aware but on the 1st April 2017, the Australian Government (ACCC) implemented the new Horticulture Code of Conduct.

Most remains unchanged from the previous code but there are several important changes which means you **will be** required to complete a new HPA to continue trading with us.

Below is a brief outline of the what's new in the Code and a list of the documents you will be receiving from us in the next couple of weeks.

Who does the Code apply to?

Growers and Traders of unprocessed Fruit and Vegetables

A Grower is the person who grows the fruit and vegetables

A Trader is a Merchant – a person who buys a Grower's fruit and vegetables to resell them

Growers who source produce off other Growers to on-sell are acting as Traders

The New Code in a Nutshell

You **must** have a written contract Horticulture Produce Agreement (HPS)

Traders must publish their Terms of Trade

Obliges both Growers and Traders to deal in good faith

Merchants must explain how price will be calculated

Growers and Traders must keep certain records

Includes penalties for breaching certain sections of the code for both **Growers and Traders**

Provide a process for dispute resolution

What's in our HPA (Merchant)

- Terms of the Agreement
- How to vary the agreement
- BGB's requirements for the delivery of Produce
- BGB's Quality requirements (unless specified, Fresh Specs are to be used)
- BGB's circumstances for the rejection of produce
- Payment, Reporting and Statement Periods

- How the price will be calculated
- Contact details for disputes (Traders & Growers)
- Process for terminating the agreement (including a cooling off period)

What you need do to comply

A Trader (BGB) **must not** trade in horticulture produce with a Grower (you) unless a HPA is in place

A Grower (you) **must not** trade (send) in horticulture produce with a Trader (BGB) unless a HPA is in place

The Trader must not trade with a Grower on terms and conditions other than those specified in the Growers HPA

HPA's **must** be in writing and **accepted** by both parties **before sending produce for sale.**

Written Notice of the acceptance can be made by;

Signing the document & returning by mail

SMS Text Message

Email or

Fax

You will also be receive the following documents;

- Terms of Trade – which sets out general terms upon which BG Brisbane will trade with Growers in respect to the Horticulture Code
- Horticulture Produce Agreement – Specific arrangements between the BG Brisbane & Growers
- HPA Schedule – which contains the Growers Details, Pricing, Payments, Specifications, Reporting & Statement Periods, Cost for Services (such as Repacking, Ripening, Testing, Unloading) and Contacts for Dispute Resolution.
- HPA Rejection Notice – which states the reason the produce was rejected and what the action Grower would like the Trader to take. (EG – accept as is, which voids the HPA Agreement, return to Grower / Resell to another Trader or arrange an independent inspection)

If you have any questions or concerns regarding any of this information please do not hesitate to contact our Office (Rachel) or any of the salesman.

You can also find out more information regarding the New Horticulture Code by contacting the ACCC – Infocentre 1300 302 502 or their website:

www.accc.gov.au/horticulturecode