

## Terms of reference – Horticulture and viticulture workshops

The Australian Competition and Consumer Commission (ACCC) is the national competition, fair-trading and consumer protection regulator and administers the *Competition and Consumer Act 2010* (the Act).

The ACCC is holding a series of regional workshops to speak with participants in the horticulture and viticulture industries about the competition and fair-trading issues that affect them. We will also provide information about the protections and obligations contained in the Act.

We are particularly interested in hearing about:

<b>Concerns about unfair trading practices in business-to-business interactions</b>	<ul style="list-style-type: none"><li>• Misleading or deceptive conduct.</li><li>• Unconscionable conduct (the section on <a href="#">the ACCC website</a> has more information).</li></ul>
<b>The Horticulture Code of Conduct (the section on <a href="#">the ACCC website</a> has more information)</b>	<ul style="list-style-type: none"><li>• Concerns about non-compliance with the Code.</li><li>• Any uncertainties about its operation.</li><li>• In this area, we acknowledge that the Code is under review.</li></ul>
<b>Challenges imposed by imbalances in bargaining power between businesses in supply chains</b>	<ul style="list-style-type: none"><li>• Including how consolidation in the industry may have affected bargaining power.</li></ul>
<b>Market transparency issues</b>	<ul style="list-style-type: none"><li>• Concerns about contracting practices.</li><li>• Price transparency.</li><li>• Quality assessment of produce.</li></ul>
<b>The Food and Grocery Code of Conduct (the section on <a href="#">the ACCC website</a> for further information)</b>	<ul style="list-style-type: none"><li>• Concerns about non-compliance with the Code.</li><li>• Any uncertainties about its operation.</li></ul>
<b>False or misleading claims to consumers (the section on <a href="#">the ACCC website</a> has more information)</b>	<ul style="list-style-type: none"><li>• False or misleading claims to consumers can detrimentally affect consumers and businesses that do the right thing.</li></ul>
<b>Unfair contract terms (the section on <a href="#">the ACCC website</a> has more information)</b>	<ul style="list-style-type: none"><li>• Given new business-to-business unfair contract term protections will come into force in November 2016, the ACCC is interested in concerns about existing terms that may be unfair.</li></ul>
<b>Feedback for the ACCC</b>	<ul style="list-style-type: none"><li>• The ACCC is always seeking to improve its processes and would welcome feedback on past or present matters.</li></ul>

If you cannot attend the workshops or you wish to raise issues privately, complaints, information or questions can be sent to the ACCC's Agriculture Enforcement & Engagement Unit at [agricultureworkshops@acc.gov.au](mailto:agricultureworkshops@acc.gov.au). We are happy to accept complaints on a confidential basis.

We understand that it may not be practical for attendees to provide some information at the regional workshops and can contact individuals for further information after the workshops if needed.