



Australian Government

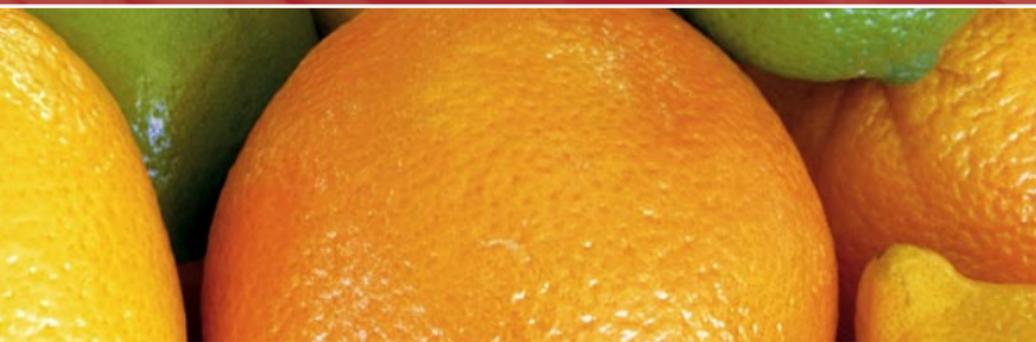
Department of Agriculture,  
Fisheries and Forestry

# Horticulture Code of Conduct

## Assessors and Mediation



**The Horticulture  
Code of Conduct  
applies to trade  
between growers  
and wholesalers  
of fresh fruit  
and vegetables.**



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## How can the Horticulture Code of Conduct help resolve disagreements between growers and wholesalers?

The code provides for Horticulture Assessors and a low-cost mediation process to help resolve disagreements and maintain good commercial relationships between growers and wholesalers.

### Horticulture Assessors

Horticulture Assessors can help to resolve a disagreement by investigating and providing an independent report on any matter arising in trade under the code.

Growers and wholesalers can appoint assessors to report on matters including the condition and quality of produce, or whether a transaction was conducted according to the requirements of an agreement or the code.

The code requires growers and wholesalers to meet any reasonable request from a Horticulture Assessor when he or she is investigating a matter.

### How do I choose one?

Horticulture Assessors can be selected from a list available on **[www.hortcodema.com.au](http://www.hortcodema.com.au)**. Horticulture Assessors are paid by the party who appoints them.

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## Mediation

Mediation is where an independent party—a mediator—helps the disputing parties reach agreement. Mediators, help the disputing parties find ways of settling their differences, they do not hand down decisions.

Mediation is a quick, confidential and cost-effective alternative to legal action.

An agreement reached through mediation is a contract subject to the normal requirements of contract law.

### Is it compulsory?

The code allows growers and wholesalers to choose any procedure they wish to resolve a dispute. However, if one of the parties asks for mediation under the code, the other must attend the mediation and try to resolve the dispute.

### Who is the Horticulture Mediation Adviser?

The Horticulture Mediation Adviser is the contact for all inquiries under the code relating to mediation. The mediation adviser's role is to help parties resolve disputes and, on request, appoint mediators from a specialist panel of experienced mediators across Australia.

The mediation adviser maintains a panel of mediators and Horticulture Assessors who have the skills and experience to assist the horticulture industry.

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## What does mediation cost?

The applicant for mediation will pay a lodgment fee of \$50.

The Australian Government will pay the mediator's fees for conducting the mediation. This payment ensures the service is available to all parties.

The parties in a mediation will pay their own expenses to attend mediation sessions.

The parties will share any additional costs of the mediation, such as telephone costs or mediator's travel expenses. These costs will be agreed before the mediation starts.

It is expected that any additional costs will be minimal and that mediation will be a cost-effective alternative to legal proceedings.

## What are the steps involved in resolving a dispute?

**Step 1:** One of the disputing parties is required to notify the other in writing that they are initiating a dispute under the code.

**Step 2:** The parties must then attempt to resolve the dispute themselves.

**Step 3:** If, after three weeks, the dispute has not been resolved, then either party may refer the matter to the Horticulture Mediation Adviser.

**Step 4:** The mediation adviser will work with both parties to help resolve a dispute and, if asked, appoint a mediator.

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## **How do I contact the Horticulture Mediation Adviser?**

Telephone: **1800 206 385**

Email: **info@hortcodema.com.au**

For additional information, visit  
**[www.hortcodema.com.au](http://www.hortcodema.com.au)**, or  
**[www.daff.gov.au/hortcode](http://www.daff.gov.au/hortcode)**

