



THE COMMERCIAL
ACADEMY

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The Australian Food and Grocery Code of Conduct

PART 5

Navigating Supplier
Empowerment through
the Independent
Reviewer

EMPOWERING FAIRNESS IN THE GROCERY SUPPLY CHAIN

- The Independent Reviewer offers suppliers a powerful tool for addressing disputes with Code Arbiters.
- Ensures procedural fairness and transparency in handling supplier complaints.
- Safeguards supplier identities, encouraging open and confidential resolution.

SUPPLIER BENEFITS FROM THE INDEPENDENT REVIEWER

Identifies and addresses emerging industry issues, benefiting suppliers.

Publishes guidance material for better code compliance understanding.

Conducts an annual survey, giving suppliers a voice in systemic improvements.

So let's explore the Independent Reviewer

INSIGHT INTO THE INDEPENDENT REVIEWER'S ROLE

Eligibility criteria:

- The Reviewer must have appropriate procedural fairness expertise and Australian industry experience.

Independent Reviewer's multifaceted functions, including:

- Code Arbiter process reviews.
- Systemic issue identification.
- Non-binding guidance publication.
- Annual surveys.

Must take a collaborative approach with stakeholders.

EMPOWERING SUPPLIERS THROUGH INDEPENDENT REVIEW

Suppliers have the right to seek Independent Reviewer intervention "in writing" if dissatisfied with Code Arbiter actions.

The Independent Reviewer must secure supplier confidentiality i.e.:

- Non-disclosure to retailers and/or wholesalers.
- Maintain a commitment to confidentiality standards during review procedures.

EVALUATING INDEPENDENT REVIEWER'S DISCRETION

The Independent Reviewer has 10-days to assess and decide on conducting independent reviews

Factors influencing decision:

- Supplier's acceptance of remedy.
- Request legitimacy.
- Relevance to Code Arbiter process.

If the Independent Reviewer decides not proceed with a review they must:

- Provided a detailed written notification of their choice not to initiate a review.
- Provide the specific reasons for conducting an independent review.

NAVIGATING THE INDEPENDENT REVIEW PROCESS

If the Independent Reviewer decides to conduct an independent review they must:

- Notify the supplier, retailer/wholesaler, and Code Arbiter.
- Complete the review within 20 business days, including information gathering.
- Independent Reviewer has the right to request information from the Code Arbiter, supplier, and retailer.
- Mandatory compliance applies for reasonable information requests of retailers, wholesalers, or Code Arbiters.

RECOMMENDATIONS AND DISCLOSURE PROTOCOL

The Independent Reviewer has the authority to:

- Recommend actions after review completion.
- Recommend the Code Arbiter reconsider the original complaint, unless remedies already accepted.

Written notice must be provided within 5 business days of review conclusion including:

- Completion confirmation.
- Recommendations.
- Reasons.
- Disclosure protocol: Supplier's consent is required for identity sharing with retailer/wholesaler.

ENSURING CODE COMPLIANCE AND REPORTING

The Independent Reviewer has annual reporting requirements as follows:

- Annual written report due by November 30.
- Recap of Independent Reviewer's activities during the financial year.
- Submission to the Commission and publication on Independent Reviewer's website.
- Confidential commercial information must be safeguarded.

ANNUAL SURVEY FOR SYSTEMIC IMPROVEMENT

The Independent Reviewer must conduct an annual survey:

- Of suppliers, retailers, and wholesalers.
- With no potential to identify participants.
- The survey plays a pivotal role to identify emerging issues and assess systemic compliance.
- Results are published on the Independent Reviewer's website (potentially integrated with annual report).

CONCLUSION

Compliance with the Australian Food and Grocery Code of Conduct is critical for suppliers and retailers in the food and grocery industry to ensure fair and transparent trading relationships.

For more information on the Code and its requirements, visit the Australian Government's official website:

<https://www.legislation.gov.au/Details/F2021C00201>





DISCLAIMER

Based on content from the Federal Register
of Legislation at 5th March 2021. For the
latest information on Australian Government
law please go to:

<https://www.legislation.gov.au>

WHEN THIS CODE APPLIES

Want to know more about the Australian Food & Grocery Code of Conduct?

 Follow

Follow us to receive the more Code of Conduct insights over the coming weeks:

1. **Preliminary and Good Faith**
2. **Grocery Supply Agreements**
3. **Paying Suppliers**
4. **Requiring Payments from Suppliers**
5. **Delisting Products**
6. **Other Conduct**
7. **Price Increases**
8. **Dispute Resolution**
9. **Strategies for Successful Resolution**
10. **The Code's Independent Reviewer**
11. **Mediation and Arbitration**
12. **Compliance**
13. **Summary of the Code**





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Contact us to learn more about how our
training and resources can help your
organisation comply with the Code and
grow your business.



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