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Ombudsman would see Code succeed

The NSW Farmers' Association is calling for an Independent Ombudsman role to ensure the successful implementation of the Horticulture Code of Conduct.

NSW Farmers' Association Horticulture Committee Chairman, Peter Darley says industry has consistently called for a pro active approach.

"Without such an approach, the Code is potentially a toothless tiger, but an Ombudsman type role with an active presence would make all the difference," Mr Darley said.

"Horticulture Industry representatives met with Minister Burke regarding this issue, as a follow-up to the recent release of the Code Committee's Report on the ACCC recommendations on the Code."

Mr Darley says a genuinely independent Ombudsman, as a replacement for the current Mediation Advisor, would be particularly important by maintaining the anonymity of the grower in the event of a complaint, and ensuring that disputes are resolved through fair and legally binding independent arbitration.

"The UK has just implemented a Code and is contemplating an Ombudsman for the same reason: to deal with the differential in market power," he said.

"In Australia we need ACCC-authorized officials to have an active presence, and conduct 'spot checks' in the marketplace.

"We envisage a major program, over several months, of random checking in all Central Markets of produce against Horticultural Produce Agreements and the Trader's books to ensure Code compliance.

"This should be accompanied by a significant awareness-raising campaign to alert the trading parties to the roles and functions of the Ombudsman, particularly focusing on the types of issues dealt with, the likely costs, and the channels of approach.

"This is about making sure the Code is effective and successful, which is so important for all growers," Mr Darley concluded.

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