

MEMBER BRIEF

ACCC INVESTIGATES SUPERMARKET RETAILERS IMPLEMENTATION OF THE FOOD AND GROCERY CODE OF CONDUCT

The Australian Competition and Consumer Commission (ACCC) has announced that it is investigating reports about the approach some supermarket retailers are taking to implement the Food and Grocery Code of Conduct. [Read the ACCC's Media Release here.](#)

The investigation will focus on the way certain retailers, in particular Woolworths and Aldi, are presenting new Grocery Supply Agreements (GSA), which gives the impression that the supplier is not able to negotiate the terms of the GSA.

The Code, introduced in June, has rules about grocery supply agreements, payments, termination of agreements, listing and de-listing, dispute resolution and a range of other matters. Currently AboutLife, ALDI, Coles and Woolworths have signed onto the Code and must comply with all its obligations.

The ACCC is responsible for enforcing the Code and has developed guidance material, which is available on the [ACCC website](#).

The AFGC is in regular contact with the major retailers on Code matters with a view to ensuring it is implemented in a timely and fair manner. The engagement with the retailers to date has been positive and they are actively seeking to address issues as they arise. Suppliers have a right to negotiate, and the Code's protections strengthen their negotiating ability.

Member companies are advised to evaluate agreements carefully and are encouraged to discuss particulars to their business with their trading partners. In addition suppliers may wish to consider seeking legal advice if questions remain.

AFGC has a range of material on its website, including a GSA Checklist and details on the advice line. Please remember to log on to access materials. Key AFGC contacts are [Chris Preston](#) and [Samantha Blake](#).

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