



1. Check the HPA and name the issue

- Open the HPA and find the dispute resolution clause.
- Name the dispute type:
 - › Quality or rejection
 - › Price or calculation (merchant agreed price, merchant formula / method pricing, agent)
 - › Deductions or fees
 - › Reporting or statement content
 - › Payment timing or short payment
 - › Role mismatch (merchant vs agent)
 - › Other HPA compliance issue

2. Raise the dispute in writing

- The person raising the dispute sends a written notice that includes:
 - › What the dispute is about
 - › The relevant HPA cause
 - › What outcome they want
 - › What documents they attached and what documents they request
- The person receiving the written notice should log in internally and start pulling the relevant records straight away.

3. Decide if it is a quality or rejection dispute
Is the dispute mainly about quality, condition, grading, specifications, or rejection?

YES
Go to step 4
Engage produce assessor early

NO
Go to step 5
Direct resolution

4. Get an independent produce assessment

- Use a horticulture produce assessor early for disputes about produce facts such as:
 - › Quality, condition, grading, specifications
 - › Rejection decisions
 - › Downgrade outcomes linked to quality
- Two ways to appoint an assessor:
 - › Outside the Code: both parties agree who the assessor is and agree how costs will be shared
 - › Within the Code: If both parties agree, they can appoint a #horticulture produce assessor by agreement (and agree costs and scope). If they cannot agree, the mediation adviser or the mediator can appoint one under the Code.
- Use the assessor report to resolve the dispute directly, or take it into mediation.

5. Try to resolve it directly using the HPA process

- Both parties try to resolve the dispute directly using the HPA process.
- If Step 4 was used, use the assessor report to help settle.
- If the dispute is not resolved within 3 weeks after the written notice of dispute is given (from Step 2), either party may start mediation under the Code.

6. Optional: Use the FMA pathway for early help

- Either party can use the Fresh Markets Australia pathway to help clarify issues, request records, and try to resolve early.
- If it does not resolve, move to Step 7.

7. Mediation options

There are two mediation paths.
Mediator costs: Mediation is not free. Unless the parties agree otherwise, the grower and trader usually split the mediator's fees, and each party pays their own costs to participate (time, travel, advisers).

Option A - Mediation outside the Code, by agreement

- If both parties agree, they can choose their own mediator and run mediation on agreed terms.

Option B - Mediation under the Horticulture Code

- Timing trigger: If the dispute has not been resolved within 3 weeks after the written notice, either party can move to Code mediation.
- Either party may start Code mediation. If one party initiates the Code dispute process, **it must be followed by both parties.**
- Under the Code, the mediation adviser appoints the mediator. The Minister has appointed ASBFEO as the mediation adviser.
- The mediation adviser must appoint a mediator within 14 days of receiving the request.
- Both parties must participate and make a genuine attempt to resolve the dispute.

Plain English limitations of mediation

- The mediator helps the parties reach agreement. The mediator does not decide the commercial outcome for you.
- Any outcome is only binding if the parties agree and record it in writing.

8. After mediation, what next?
If mediation does not resolve the issue.
Commercial and legal options.

- Keep negotiating and record a settlement agreement.
- Use another dispute process if both parties agree, for example further mediation, expert determination, or arbitration if your HPA provides for it.
- Consider court action for contract or debt issues.

9. Escalate code compliance issues to the ACCC
If mediation does not resolve the issue.

- If the issue looks like a Code compliance breach, refusal to participate properly, or a repeated pattern of conduct, the matter can be raised with the ACCC.
- The ACCC enforces the Code. It does not decide the commercial outcome.

Horticulture Produce Assessors listed on ASBFEO website.