



# Competition and Consumer (Industry Codes— Food and Grocery) (Consequential Amendments) Regulations 2024

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Dr Andrew Leigh  
Assistant Minister for Competition, Charities and Treasury  
Parliamentary Secretary to the Treasurer

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## 1 Name

This instrument is the *Competition and Consumer (Industry Codes—Food and Grocery) (Consequential Amendments) Regulations 2024*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this instrument not elsewhere covered by this table	At the same time as the <i>Competition and Consumer (Industry Codes—Food and Grocery) Regulations 2024</i> commence.	1 April 2025
2. Schedule 1	At the same time as the <i>Competition and Consumer (Industry Codes—Food and Grocery) Regulations 2024</i> commence.	1 April 2025
3. Schedule 2	The later of: (a) immediately after the commencement of the provisions covered by table item 1; and (b) at the same time as Schedule 4 to the <i>Treasury Laws Amendment (Fairer for Families and Farmers and Other Measures) Act 2024</i> commences.  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	1 April 2025

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Competition and Consumer Act 2010*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Repeal of the old Food and Grocery Code of Conduct**

### **Part 1—Repeal**

#### *Competition and Consumer (Industry Codes—Food and Grocery) Regulation 2015*

##### **1 The whole of the instrument**

Repeal the instrument.

## **Part 2—Consequential amendments**

### ***Competition and Consumer (Industry Codes—Dairy) Regulations 2019***

#### **2 Section 5 (definition of *Food and Grocery Code of Conduct*)**

Repeal the definition.

#### **3 Section 10**

Repeal the section.

## Schedule 2—Amendments relating to the Treasury Laws Amendment (Fairer for Families and Farmers and Other Measures) Act 2024

### *Competition and Consumer (Industry Codes—Food and Grocery) Regulations 2024*

#### 1 After section 14

Insert:

#### 14A Amount of civil penalty for certain contraventions by bodies corporate

- (1) This section has effect for the purposes of the following civil penalty provisions of this Code:
  - (a) subsection 16(1);
  - (b) section 17;
  - (c) section 18;
  - (d) subsection 19(1);
  - (e) subsection 29(1);
  - (f) section 30;
  - (g) section 31;
  - (h) subsections 42(1) and (2);
  - (i) subsections 77(1), (2) and (3);
  - (j) subsections 78(1) and (2).
- (2) The amount of the pecuniary penalty for a contravention of a civil penalty provision referred to in subsection (1) by a body corporate is the greatest of the following:
  - (a) \$10,000,000;
  - (b) if the Court can determine the value of the benefit that the body corporate, and any body corporate related to the body corporate, has obtained directly or indirectly and that is reasonably attributable to the contravention—3 times the value of that benefit;
  - (c) if the Court cannot determine the value of that benefit—10% of the adjusted turnover of the body corporate during the period of 12 months ending at the end of the month in which the contravention occurred.

Note: For when a body corporate is related to another body corporate, see section 4A of the Act.

#### 2 Subsection 16(1) (penalty)

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

### **3 Section 17 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

### **4 Section 18 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

### **5 Subsection 19(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

### **6 Subsection 19(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **7 Subsection 19(4) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **8 Subsection 19(6) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **9 Subsection 20(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or

- (b) for a contravention by a person who is not a body corporate—640 penalty units.

#### **10 Section 21 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

#### **11 Subsection 22(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

#### **12 Subsection 22(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

#### **13 Subsection 23(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

#### **14 Subsection 24(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

#### **15 Subsection 24(5) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**16 Subsection 25(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**17 Subsection 26(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**18 Subsection 27(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**19 Subsection 28(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**20 Subsection 29(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**21 Section 30 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**22 Section 31 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

### **23 Subsection 32(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **24 Subsection 32(6) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **25 Subsection 32(8) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **26 Subsection 32(9) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **27 Subsection 33(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

### **28 Subsection 33(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**29 Subsection 33(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**30 Subsection 34(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**31 Subsection 34(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**32 Subsection 34(5) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**33 Subsection 34(6) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**34 Subsection 34(7) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**35 Subsection 34(8) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**36 Subsection 35(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**37 Subsection 36(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**38 Subsection 36(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**39 Subsection 37(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**40 Subsection 38(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**41 Subsection 38(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**42 Subsection 39(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**43 Subsection 39(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**44 Subsection 39(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**45 Subsection 39(4) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**46 Subsection 39(5) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**47 Subsection 40(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**48 Subsection 40(4) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**49 Subsection 40(5) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**50 Section 41 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**51 Subsection 42(1) (penalty)**

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**52 Subsection 42(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**53 Subsection 43(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or

- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**54 Subsection 43(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**55 Subsection 43(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**56 Subsection 44(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**57 Subsection 44(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**58 Subsection 45(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**59 Subsection 45(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**60 Subsection 46(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**61 Subsection 46(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**62 Subsection 47(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**63 Subsection 47(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**64 Subsection 47(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**65 Subsection 48(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**66 Subsection 48(4) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**67 Subsection 48(5) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**68 Subsection 49(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**69 Subsection 49(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**70 Subsection 49(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**71 Subsection 49(4) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**72 Section 51 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**73 Subsection 55(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**74 Subsection 55(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**75 Subsection 64(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**76 Subsection 66(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**77 Subsection 67(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**78 Subsection 67(4) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**79 Subsection 67(5) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**80 Subsection 67(6) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**81 Subsection 69(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**82 Section 76 (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—3,200 penalty units; or
- (b) for a contravention by a person who is not a body corporate—640 penalty units.

**83 Subsection 77(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**84 Subsection 77(2) (penalty)**

Repeal the penalty, substitute:

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Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**85 Subsection 77(3) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**86 Subsection 78(1) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.

**87 Subsection 78(2) (penalty)**

Repeal the penalty, substitute:

Civil penalty:

- (a) for a contravention by a body corporate—the amount under section 14A; or
- (b) for a contravention by a person who is not a body corporate—\$500,000.