



Competition and Consumer (Industry Codes— Franchising) (Additional Information Required by the Secretary) Amendment Determination 2025

I, Steven Kennedy, Secretary to the Department of the Treasury, make the following determination.

Dated 28 March 2025

Dr Steven Kennedy
Secretary
Department of the Treasury

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1 Name

This instrument is the *Competition and Consumer (Industry Codes—Franchising) (Additional Information Required by the Secretary) Amendment Determination 2025*.

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. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) 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Note: This table relates only to the provisions of this instrument as originally made.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 (Industry Codes—Franchising) Regulations 2024*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Competition and Consumer (Industry Codes—Franchising) (Additional Information Required by the Secretary) Determination 2022

1 Section 3

Omit “*Competition and Consumer (Industry Codes—Franchising) Regulation 2014*”, substitute “*Competition and Consumer (Industry Codes—Franchising) Regulations 2024*”.

2 Section 4

Repeal the section, substitute:

4 Definitions

Note: Expressions have the same meaning in this instrument as in the *Competition and Consumer (Industry Codes—Franchising) Regulations 2024* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

In this instrument:

Franchising Regulations means the *Competition and Consumer (Industry Codes—Franchising) Regulations 2024*.

3 Section 5

Repeal the section.

4 Subsection 6(1)

Omit “subclause 53D(4) of the Franchising Code of Conduct, each franchisor to which clause 53D of the Franchising Code of Conduct”, substitute “subsection 92(4) of the Franchising Regulations, each franchisor to which section 92 of the Franchising Regulations”.

5 After paragraph 7(2)(a)

Insert:

- (aa) whether the franchisor, an associate of the franchisor, or a director of the franchisor or the associate, has been:
 - (i) in the last 10 years—convicted of a serious offence (or equivalent offence outside Australia); or
 - (ii) in the last 5 years—subject to final judgment in civil proceedings for a matter mentioned in item 4(1) of Schedule 1 to the Franchising Regulations; or
 - (iii) bankrupt, insolvent under administration or a Chapter 5 body corporate (within the meaning of the Corporations Act) in Australia or elsewhere.

Note: For subparagraph (ii), the matters mentioned in item 4(1) of Schedule 1 to the Franchising Regulations include the following:

- (a) breach of a franchise agreement;
- (b) contravention of the Act or the Corporations Act;
- (c) unconscionable conduct, misconduct or an offence of dishonesty;

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- (d) certain contraventions of workplace relations laws, other than unfair dismissal of an employee.

6 Paragraph 7(2)(c)

Omit “(2)(a)”, substitute “(2)(b)”.

7 After paragraph 7(2)(i)

Insert:

- (ia) whether the franchise agreement provides for arbitration of disputes in a manner consistent with Subdivision C of Division 2 of Part 5 of Chapter 2 of the Franchising Regulations;

8 At the end of subsection 7(2)

Add:

Note: The information mentioned in paragraphs (a) to (m) relates to certain items in Schedule 1 to the Franchising Regulations (for example, paragraph (i) relates to item 17 of Schedule 1 to the Franchising Regulations).

9 Amendments of listed provisions—repeals

Repeal the notes in the following provisions:

- (a) paragraph 7(2)(a);
- (b) paragraphs 7(2)(b) to (e);
- (c) paragraphs 7(2)(f) to (h) (*not* including the examples);
- (d) paragraphs 7(2)(i) to (m).