

Code of Ethical Business Practice

*Submitted by NSW Chamber of Fresh Produce Limited, Trading as Freshmark
as at 1 July 2020*

FORWARD

The Trader of fresh produce is in the business of receiving and selling fresh produce sourced from Growers being in character based upon trust and goodwill.

The Trader fulfils a merchant or agent's role wholesaling fresh produce received from Growers to Buyers prevalent in the market place.

It is to be recognised that the methods and procedures of the Trader's business are governed by the Competition and Consumer (Industry Codes — Horticulture) Regulations 2017, hereon referred to as the Horticulture Code, by the authority under the Competition and Consumer Act 2010.

The primary duty of the Trader is in respect to the efficient and effective sale of the fresh produce received from and the monetary return to the Grower, a fair value in line with the requirements of the Horticulture Code and the agreed conditions contained within the Terms of Trade and each Horticulture Produce Agreement.

Within the Trader's appropriate sphere of the fresh produce industry's operations, the following leading associations are recognised:

- a) The Growers.
- b) The Traders.
- c) The Retailers.
- d) The Provideores.
- e) The Exporters.
- f) The Transporters.

Primarily there are four types of Traders: (1) Sole Proprietors; (2) Partnerships; (3) Proprietary or Public Companies; and (4) Producers' Co-operative organisations. They, being the link between the Growers and all other associations, it is the duty of every type of Trader to co-operate to the utmost in an endeavour to weld all associations into a composite whole in the common cause to benefit the fresh produce industry.

CODE

Freshmark, with the foregoing in mind, exhorts each Member to do their utmost to be faithful to the following Code of Ethical Business Practice:

1. To appreciate their responsibility to the fresh produce industry.
2. It is their privilege to serve the community wherein they conduct their business.
3. To conduct themselves in such a manner as to dignify their calling and by every means in their power to ensure that the highest degree of prestige and status accrues to the fresh produce industry, its organisations, and personnel.
4. To act at all times in good faith and honour their financial obligations in full.
5. To accept in full their obligations to the laws of the country both legally and morally, in particular those laws relating to being a Trader of fresh produce.
6. To honour their obligations to Freshmark and faithfully attend appropriate meetings and otherwise be thoroughly loyal in recognition of Freshmark's importance to the fresh produce industry and of its purpose for the good of all concerned.

RELATIONSHIP WITH GROWERS

Each Trader should conduct their business in the most efficient manner, and be strictly honest in all dealings, so they may ensure to Growers the utmost monetary result that should accrue or be capable of accruing, in respect to the handling and sale of all fresh produce.

Each Trader should, in every sense, refrain from giving incorrect or doubtful information for personal gain or otherwise.

RELATIONSHIP WITH GROWERS (CONTINUED)

Each Trader should co-operate with Growers in approaching appropriate authorities in any endeavour to stabilise, improve, further develop, and/or safeguard the fresh produce industry. Also, to assist and encourage Growers with practical advice with respect to the harvesting and marketing of their fresh produce at the most suitable time and in the most appropriate manner commensurate with industry and consumer requirements, interest and welfare, while being ever watchful of Growers' economic welfare.

RELATIONSHIP WITH CONSUMERS

Throughout this set of principles, reference is made clearly and in instances specifically in respect to the provision of ways and means for the promotion and safeguarding of the consumers' interests and welfare. Repetition is, therefore, unnecessary. Be it sufficient to declare that overall the consumer must be recognised as the main and final purchaser in the distribution and consumption of fresh produce grown by the producers and handled and sold by the Trader, retailer, and distributors. Such recognition of the consumers' interest and welfare must always be a major consideration in any and every movement or activity relative to the development of the industries and with respect to the handling, display, transport, distribution, and disposal of all fresh produce.

RELATIONSHIP WITH EMPLOYEES

On their part, the Trader should recognise the rights of personnel and be strictly fair in all dealings with them. The Trader should recognise each employee as being essential to its successful functioning and without which could not acquire the resultant measure of profit. The Trader should use their best endeavour to train all personnel to be courteous and proficient.

It is, therefore, consistent with justice that the Trader ensures a fair and requisite monetary return to the employee in line with all statutory requirements for their labour and their interest in the maintenance and further development of the undertaking. Commensurate with the appropriateness of its application, Traders should give sympathetic consideration to the specific interests and needs of all employees.

RELATIONSHIP WITH BUYERS

Commensurate with their responsibility to their Grower, each Trader should ensure a fair deal by his manner of trading with those who purchase from them.

Traders should recognise the Buyer as an integral distributor and purveyor of fresh produce servicing the community.

"Caveat Emptor" (let the buyer beware) should have no place in a Trader's dealings. Whenever necessary or appropriate, Traders should assist Buyers through their experience with the condition of fresh produce being sort and purchased.

Traders should co-operate with Buyers advising them in the establishment of suitable methods and premises that will ensure the most extensive distribution of fresh produce for the benefit of consumers and producers, particularly with respect to periods of full supply when special efforts may be necessary.

RELATIONSHIP WITH COMPETITORS

Commensurate with a Trader's personal rights to which they should be faithful, they should recognise each fellow Trader as being valuable to the industry. Each Trader should recognise their fellow Trader's right to the true competitiveness of the business.

Each Trader should conduct their business fairly, where their business runs parallel with or crosses competitively with that of a fellow Trader.

Whilst it is unnecessary to praise the business methods or personality of a fellow Trader, every Trader should refrain from slandering or smearing the character and/or business of their competitor. Each Trader by their own example, encourages their competitors to be profoundly and strictly loyal to Freshmark, observing its tenants and promoting its cause.

All Traders should be able to come together, in a pre-competitive sense, for the common good of all concerned in the fresh produce industry.

