

Table 1: Changes Operative from 2 June 2021

Issue	Summary of Amendments
<p>Dispute resolution</p>	<ul style="list-style-type: none"> • The changes to the Code will expand the avenues available for dispute resolution (ADR), define the new processes for ADR and standards which must be adhered to, and improve mechanisms that help with resolving disputes. • The dispute resolution assistance functions under the Code (previously conferred on the Franchising Code Mediation Adviser) have been given to the Australian Small Business and Family Enterprise Ombudsman (see: https://www.asbfeo.gov.au/) (new Clause 4A). • New definitions have been introduced (Subclause 4(1)), including: <ul style="list-style-type: none"> - ADR Processes which includes mediation and the new option of conciliation; and - ADR practitioner means a mediator or a conciliator. • The changes to the Code allow for multi-franchisee dispute resolution process and an obligation for the franchisor to participate in such a process (Subclause 40B). • The option of arbitration has been added to resolve a dispute in whole or part (but only if provided for in franchise agreement or later agreed) (Clause 43A). • The requirement for each party to the dispute to attend the ADR process is now a civil penalty provision. This has been introduced to prevent the dispute resolution process from being undermined by non-attendance of a party. The ADR process may also be held wholly online by way of virtual attendance technology (Clause 41A).