

AUSTRALIAN WINE INDUSTRY CODE OF CONDUCT

LIST OF INDEPENDENT EXPERTS

AND

DISPUTE RESOLUTION PROCESS

December 2014

Overview of the dispute resolution process under the Code of Conduct

Disputes in the main occur over the perceived inadequacy of the winegrape price, or over an apparent failure to comply with specifications for winegrape maturity, purity or condition resulting in either price adjustments or rejection of the winegrapes.

The Code requires both parties to participate in the Dispute Resolution procedure and to assist the Independent Expert by providing any information requested.

Any Disputing Party who invokes the Dispute Resolution Procedures is agreeing to be bound by the Code in relation to the conduct of the Dispute, in particular the clauses relating to defamation and cost recovery. The existence of a Dispute does not relieve any party of the obligations under the agreement between a winegrape supplier and a signatory to the Code.

The process in brief

Disputes over Winegrape Price

Step 1

Within 7 business days of the dispute arising, the disputing party sends a Notice of Dispute to the other party and forwards a copy to the Code Secretariat. The Notice of Dispute is available from www.wineindustrycode.org/Dispute_Resolution.html or contact the Code Secretariat. The Secretariat contact details are at the bottom of this section of this document.

Step 2

Within 7 business days of receiving the Notice of Dispute, the respondent replies in writing and informs the Code Secretariat in writing that a response has been provided.

Step 3

The Code Secretariat will endeavour to contact the parties to try to help them resolve the dispute informally.

Step 4

If, within 14 business days from the issue of the Notice of Dispute, the parties cannot negotiate a settlement to the dispute, they must jointly endeavour to appoint an Independent Expert. The list of Independent Experts is in this document.

Step 5

If, after 21 business days from the issue of the Notice of Dispute, the parties cannot agree on the selection of an Independent Expert, they can, within 28 business days of the issue of the Notice of Dispute, apply to the Code Administration Committee via the Secretariat, for the appointment of an Independent Expert from the panel.

Step 6

The Code Secretariat will coordinate the appointment of an Independent Expert.

Step 7

Within 14 business days of his or her appointment, the Independent Expert will deliver a determination.

Disputes over Downgrades and Rejections in the Vineyard

Step 1

When a dispute arises, the disputing party sends a written Notice of Dispute to the winegrape purchaser and sends a copy to the Code Secretariat. The Notice of Dispute is available from www.wineindustrycode.org/Downloads.html or contact the Code Secretariat. The Secretariat contact details are at the bottom of this section of this document.

Step 2

Within 2 days (48 hours) from the time of issue of the Notice of Dispute, the winegrape purchaser will respond in writing and inform the Code Secretariat in writing that a response has been provided.

Step 3

The Code Secretariat will endeavour to contact the parties to try to help them resolve the dispute informally.

Step 4

If, after 3 days (72 hours) from the time of issue of the Notice of Dispute, the dispute is ongoing, the parties will jointly endeavour to appoint an Independent Expert.

Step 5

If, within 4 days (96 hours) from the time of issue of the Notice of Dispute, the parties are unable to agree on the selection of an Independent Expert, either party can apply to the Code Committee via the Secretariat for the appointment of an Independent Expert, the application to be made within 5 days (120 hours) of the time of issue of the Notice of Dispute.

Step 6

The Code Secretariat will coordinate the appointment of an Independent Expert.

Step 7

Within 48 hours of his or her appointment, the Independent Expert will deliver a determination.

Further Information

If you require further information, please see Part 3 of the Code which details the dispute resolution provisions or, if you have any questions about these procedures, please contact the Code Secretariat. The Code of Conduct is available to read by section here: www.wineindustrycode.org/online_code.html, for download here: www.wineindustrycode.org/Downloads.html or from the Secretariat below.

The Code Secretariat

The Accord Group, Level 2, 370 Pitt Street, Sydney NSW 2000, Telephone: (02) 9264 9506, Facsimile: (02) 9264 8268,
Email: secretariat@wineindustrycode.org

**Australian Wine Industry Code of Conduct
Independent Experts**

www.wineindustrycode.org.au

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Paul Andrew Baguley	<p>PB Ag Consulting Pty. Ltd. PO Box 1197 Mudgee NSW 2850</p> <p>P: (02) 6372 7408 M: 0428 404 109 F: (02) 6372 9593 E: paul@pbag.com.au</p>	\$120	yes	<p>Expertise in winegrape price disputes.</p> <p>Expertise in weighbridge disputes</p>	
Derek Cameron	<p>DJ's Grower Services & Suppliers Pty. Ltd. Lot 12, Chalk Hill Road McLaren Vale SA 5171</p> <p>P: (08) 8323 8339 M: 0400 824 287 F: (08) 8323 0181 E: derek@djsgrowers.com.au</p>	\$125 for reporting / contracting \$200 Contact	yes	<p>Expertise in winegrape price disputes</p> <p>Expertise in weighbridge</p>	Orlando Wines
Anthony (Tony) Hickey	<p>Crowe Horwath 133 Langtree Ave (PO Box 1608) Mildura VIC 3502 tony.hickey@crowehorwath.com.au Main: 03 5023 9700</p>	\$200	Yes	<p>Expertise in winegrape price disputes</p> <p>Expertise in weighbridge</p>	D G Mitchell & Sons

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Roger Hoare	Adelaide M: 0429 444 498 E: truwren@bigpond.com.au	\$150	Yes	Expertise in winegrape price disputes. Expertise in weighbridge disputes	
James Hook	DJ's Grower Services & Suppliers P/L Lot 12, Chalk Hill Road McLaren Vale SA 5171 P: (08) 8323 8339 Mobile: 0400 656 350 Email: james@djsgrowers.com.au	\$125 for reporting / contracting / \$200 Contact	Yes	Expertise in winegrape price disputes Expertise in weighbridge	
John Innes	J&M Innes Pty Ltd V&A Lane Coonawarra SA 5263 P: (08) 8736 3282 M: 0409 836 289 E: jm.innes@bigpond.com	\$150	Yes	Expertise in winegrape price disputes.	Confirm prior to appointment.
Reg Johns	Reg Johns & Associates 19 Stockman's Drive Irymple, VIC P: (03) 5024 6237 M: 0408 246 237 E: johnsr@bigpond.com	\$100	Yes	Expertise in winegrape quality disputes	

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Mary Retallack	Retallack Viticulture Pty. Ltd. 125 Sheoak Road Crafers West SA 5152 P: (08) 8339 3324 M: 0408 393 324 F: (08) 8339 4331 E: mary@viti.com.au W: www.viti.com.au	\$250	Yes	Expertise in winegrape price disputes; Winegrape quality, maturity, purity, and condition assessment in vineyard; Independent assessment of disease and physical damage % in the vineyard; Reviewing wine grape sale agreements. IAMA accredited Mediator for contract disputes. IAMA accredited Arbitrator (Grade 3) for contract disputes. Author of ' <i>A Guide to Negotiating the Sale</i> '	Retallack Viticulture works with a wide range of clients within the Australian Wine Industry, both wineries and grape growers. Any potential conflicts will be identified before commencing any work.

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Brian James Sainty	PO Box 1723, Griffith NSW 2680 P: (02) 6964 0665 M: 0429 620 126 E: landsainty@bigpond.com	\$150	Yes	Expertise in winegrape price disputes. Expertise in weighbridge disputes. Expertise in grape quality assessment in vineyard. Expertise in assessment of disease % levels in vineyard.	None
Mark Swann	Consultant 21 North Street, Adelaide SA 5000 P: (08) 8231 4210 M: 0408 824 606 F: (08) 8231 4213 E: markswann@internode.on.net	\$150	Yes	Expertise in winegrape price disputes. Expertise in weighbridge disputes. Expertise in wine quality assessment.	
David Tierney	Consultant 14 Riverview Drive Dareton NSW 2717 P: (03) 5027 4725 M: 0407 864 470 E: david.tierney@bigpond.com	\$120	Yes	Expertise in winemaking and grape quality assessment as well as winegrape price disputes.	

Matthew Wilson	Senior Viticultural Consultant DJs Grower Services and supplies Mobile: 0409901444 Email: matthew@djsgrowers.com.au	\$125 for reporting / contracting \$200 Contact	Yes	Expertise in winegrape price disputes Expertise in weighbridge	
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* Other expenses may be incurred in addition to hourly rate.