

Member Update

UPDATE 21 of 2018 • 03 September 2018

TOPIC: GTA Arbitrator Training Requirements

DISTRIBUTION: GTA Members – primary contact list. Please circulate to all appropriate internal parties.

1. Purpose:

- The purpose of this Member Update is to advise of new training requirements for approved GTA Arbitrators. This training will need to be undertaken by **01 October 2019**.
- Further, GTA is seeking interest from Industry Participants to be recognised as an Approved GTA Arbitrator. Please contact GTA to register your interest or refer to the [registration form](#) on GTA website.

2. Training Timetable:

- The first Arbitrator Training Workshops are scheduled for:
 - **Perth - 03 October 2018** – venue TBA
 - **Melbourne - 12 November 2018** – venue TBA
- Further training is expected to be available in Q1 2019 (locations TBA)
- Cost – refer to applicable one day rate for GTA Training & Development Program
- Please contact GTA at admin@graintrade.org.au to register your interest in Arbitrator Training

3. Background - GTA Dispute Resolution Service

- The GTA Dispute Resolution Service (DRS) is an important part of the Grains Industry Self-Regulatory Framework that is provided by GTA's products and services. The GTA Dispute Resolution Service has been highlighted by the ACCC¹ as a model for consideration by other agricultural industries for arbitration and dispute resolution.
- The DRS provides a critical mechanism for counterparties to resolve contractual disputes with a legally binding outcome. This provides enormous value to the grains industry as it reduces commercial risks across the value chain, by allowing participants to enter commercial contracts with confidence of having disputes heard by industry practitioners in a cost effective and timely manner.
- It is important that the DRS is the best it can be. An integral component is to ensure that our Arbitrators are recognised as well qualified industry practitioners, who understand the GTA Contracts and Trade Rules, the Dispute Resolution process and can demonstrate ongoing professional development.
- In the pursuit of raising the level of the GTA Dispute Resolution Service and, in turn, the expertise of every GTA Arbitrator, the GTA Board has resolved to introduce initial and continuing training requirement for all new and current Arbitrators in order to gain and maintain the status as a GTA Approved Arbitrator.

¹ Refer ACCC Dairy Industry Report (page 152), <https://www.accc.gov.au/publications/dairy-inquiry-final-report>

4. Training Requirement

- The training, or a request for recognition of previous experience, will need to be undertaken by 01 October 2019. Arbitrators would then be required to update their training and professional development at least once in every three (3) years.
- GTA approved training will be available and will provide an appreciation and understanding of the role of arbitration, the process and the legislative framework. The training will cover the following areas:
 - a) Commercial Arbitration Legislation
 - b) GTA Dispute Resolution Services
 - c) Conduct of an Arbitrator
 - d) Common Issues Faced by Arbitrators
 - e) Arbitration Awards
- Participants will be expected to cover their own costs for training as part of ongoing professional development.
- Alternative training, external to GTA, can be undertaken. A certificate must be provided as proof of satisfactory completion and the subject matter must be similar in nature to that provided by GTA, as a minimum.
- Recognition of previous experience will be by way of submission to the GTA Dispute Resolution Committee for assessment and must address the criteria set out in the approved training.
- In addition to this training requirement, GTA Arbitrators will still need to meet the following criteria:
 - a) be well versed in the practices and customs of the grain trade;
 - b) have a thorough understanding of the GTA Trade Rules and GTA Arbitration Rules;
 - c) have not less than five years' experience in the grain trade or grain related industry, OR
 - d) be a professional arbitrator;
 - e) not be a bankrupt, insolvent, or in receivership; and
 - f) not be convicted of a felony.
- GTA appreciates that its Arbitrators volunteer their time and expertise, and that being a GTA Arbitrator should importantly be recognised by industry for its required expertise and industry service.
- GTA believes this initiative will ensure continued confidence in the GTA Dispute Resolution Service and greater recognition of the status of being a GTA Approved Arbitrator.

5. Further Details

- Please do not hesitate to contact GTA should you require further information regarding this new initiative or training requirements.
- Visit the GTA website for full details. http://www.graintrade.org.au/dispute_resolution