

Schedule 1- Grain Trade Australia Ltd (GTA) Dispute Resolution Fees (inc. GST) – effective 29 August 2012

Note: these fees and charges relate to a standard document based arbitration.
Attachment A details the estimated costs for an oral hearing.

Notes

All fees must be paid

- Parties to an arbitration or expert opinion are jointly and severally responsible for any outstanding fees owing to GTA at the conclusion of any process.
- In certain circumstances, arbitrators and/or experts may need to seek legal advice. These fees will be charged to the parties.
- Arbitrators are entitled to a sitting fee if an oral hearing is conducted.
- GTA will not release an award or expert opinion until all fees are paid. These fees may be inserted into the award.

Banking details for payment of fees

Grain Trade Australia Ltd
National Australia Bank
George St, Sydney
BSB 082 057
Account 53171 2824

Types of fees

Filing fee is the cost of filing the documentation to initiate an arbitration with GTA and must be paid prior to GTA recognising that an arbitration has been initiated.

Administration fee is the cost associated with initiating a process (as listed below). The administration fee is non refundable and must be paid prior to GTA initiating any process.

Process fee is the cost associated with the determination of the process. Fifty percent (50%) of the process fee may be refunded if there is a commercial settlement of the dispute prior to the lodgment of the Claimant's Points of Reply.

The Claimant and Respondent are jointly and severally liable to pay GTA the costs of the arbitration as determined by GTA.

Other costs

Travel, communication and other expenses e.g., legal advice, will be charged at cost as and when incurred and as documented on the GTA invoice. Total fees owing will be shared equally by both parties.

Determination of fees

- The fees payable are those prevailing on the day that the dispute is filed with GTA.
- Fees are subject to change and are determined by the GTA Board of Directors.

Filing fee for all Dispute Resolution Processes

Member/producer	Non member
\$550	\$825

Expert Opinion

	Member/producer	Non member
Non-refundable administration fee	\$550	\$825
Process fee	\$1,100	\$1,650

Fast Track Arbitration Service

Where parties seek arbitration as their preferred method of dispute resolution, Fast Track Arbitration is compulsory for disputes with a claim of less than \$25,000 (exclusive of interest and costs).

	Member/producer	Non member
Non-refundable administration fee	\$1,650	\$2,475
Process fee		
Claim up to \$25,000	\$1,650	\$2,475
Claim of \$25,001 to \$50,000	\$2,200	\$3,300
Claim of \$50,001 to \$100,000	\$2,750	\$4,125

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Full Arbitration Service excluding arbitrations involving the GTA FOB Contract No 1.

	Member/producer	Non member
Non-refundable administration fee	\$2,900	\$4,350
Process fee		
Claim up to \$50,000	\$3,000	\$4,500
Claim of \$50,001 to \$100,000	\$4,250	\$6,375
Claim of \$100,001 to \$500,000	\$5,500	\$8,250
Claim of \$500,001 and over	\$6,700	\$10,000

Full Arbitration Service for arbitrations involving the GTA FOB Contract No 1, Contract for Grain & Oilseeds in Bulk FOB Terms

	Member/producer	Non member
Non-refundable administration fee	\$900	\$1,350
Process fee		
Claim up to \$100,000	\$1,500	\$2,250
Claim of \$100,001 to \$500,000	\$2,125	\$3,200
Claim of \$500,001 and over	\$2,750	\$4,125
Tribunal Chairman (cost basis)	\$500/hr	\$500/hr

Chairman - Arbitration Tribunal

The Tribunal Chairman for arbitrations involving the GTA FOB Contract No 1, will be selected by GTA from a specialist Arbitrator Panel composed of legal specialists with demonstrated experience in export commodity / marine contracts.

The Tribunal Chairman is responsible for the efficient administration and management, including writing of the award, all aspects of the arbitration and is entitled to the hourly fee as detailed in the above table.

Attachment A

Notes and estimated costs for an oral hearing to be held under Article 27 of the GTA Dispute Resolution Rules

The GTA Dispute Resolution Service:

- Is conducted to enable a timely and costs effective mechanism for the settlement of disputes;
- Utilises the services of a panel of arbitrators from all sectors of the grains industry who participate in an honorary capacity;
- Arbitration Tribunals are usually composed of arbitrators from all regions of Australia and the prospect of an oral hearing is not considered by arbitrators when accepting the nominations of a party or GTA (as the Tribunal Chairman);
- is based on the exchange of documents with the Arbitration Tribunal meeting to consider the matter via teleconferencing. Fees are based on the conduct of this type of standard process.

An oral hearing requires:

- Arbitrators giving up time from their work commitments to travel and participate in the hearing;
- Substantially more administrative work by GTA to organise than a standard process;
- Additional legal support for GTA and in particular the arbitrators to ensure adherence to all legal requirements;
- Transcript services;
- Venue and catering expenses.

Fee policies

1 GTA will **not** conduct an oral hearing unless estimated fees are paid at least 14 days prior to the hearing date as per article 27.9 of the GTA Dispute Resolution Rules. In the absence of payment, the Tribunal will convene with a view to make a determination based on submissions received.

2 GTA will not release an Award unless all arbitration fees and actual oral hearing fees are paid as per Article 4.8 of the GTA Dispute Resolution Rules

3 Arbitrator hearing fees, GTA legal counsel and GTA staff fees:

- are based on the number of hearing days requested; and
- are non refundable once the Tribunal has set the date and location of the hearing.

The above policy is required as the arbitrators, legal counsel and GTA staff resources have committed to the oral hearing.

4 Cancellation fees for travel, accommodation, venue hire, transcript services and other services required for the conduct of the oral hearing are for the account of the party(ies).

5 GTA will not book venues, travel, accommodation or transcript services until the estimated fees are paid. This will allow appropriate arrangements to be booked.

Documentation requirements

To ensure that the hearing is conducted as efficiently as possible the Tribunal will require that the following documentation be prepared by the parties:

1. Agreed chronology
2. Agreed statement of facts
3. Agreed expert evidence
4. Agreed tender bundle in paginated form

Directions will be given regarding the numbers of copies and the date the documents are required.

Hearing schedule

GTA will circulate a draft timetable and the parties will be asked to complete the timetable identifying the time required for opening & closing submissions as well as the names of any witnesses & expert witnesses.

Estimated costs for a one day oral hearing

Assumptions	No/rate	
No of arbitrators	3	
Hearing days	1	
Travel (return)	\$600	
Accommodation (night)	\$325	
 GTA administration		Extensions
Organisation of hearing (flat fee)	\$3,000	\$3,000
Staff attending	1	
Staff hearing attendance	\$1,000	\$1,000
Arbitrator sitting fee (days) inc preparation (1 day) & review of material/evidence/award writing presented (1 day)	\$1,400	\$12,600
GTA legal counsel (no)	1	
GTA legal counsel (day rate), inc preparation (2 day) & review of material/evidence presented/award writing (3 day)	\$3,500	\$17,500
Travel (return)		\$3,000
Accommodation		\$1,625
Transcript services		
Daily fee	\$850	\$850
Pages - assume 110 per day	\$16	\$1,760
Travel (return)		\$0
Accommodation		\$0
Venue		
Venue hire (day)	\$1,000	\$1,000
Catering	\$25	\$300
	Total (ex GST)	\$42,635
	Total (inc GST)	\$46,899

Estimated costs for a two day oral hearing

Assumptions	No/rate	
No of arbitrators	3	
Hearing days	2	
Travel (return)	\$600	
Accommodation (night)	\$325	
GTA administration		Extensions
Organisation of hearing (flat fee)	\$3,000	\$3,000
Staff attending	1	
Staff hearing attendance	\$1,000	\$2,000
Arbitrator sitting fee (days) inc preparation (1 day) & review of material/evidence/award writing presented (1 day)	\$1,400	\$16,800
GTA legal counsel (no)	1	
GTA legal counsel (day rate), inc preparation (2 day) & review of material/evidence presented/award writing (4 day)	\$3,500	\$28,000
Travel (return)		\$3,000
Accommodation		\$3,250
Transcript services		
Daily fee	\$850	\$1,700
Pages - assume 110 per day	\$16	\$3,520
Travel (return)		\$0
Accommodation		\$0
Venue		
Venue hire (day)	\$1,000	\$2,000
Catering (arbitrators and GTA only)	\$25	\$600
	Total (ex GST)	\$63,870
	Total (inc GST)	\$70,257

Estimated costs for a three day oral hearing

Assumptions	No/rate	
No of arbitrators	3	
Hearing days	3	
Travel (return)	\$600	
Accommodation (night)	\$325	
 GTA administration		Extensions
Organisation of hearing (flat fee)	\$3,000	\$3,000
Staff attending	\$1	
Staff hearing attendance	\$1,000	\$3,000
Arbitrator sitting fee (days) inc preparation (1 day) & review of material/evidence/award writing presented (1 day)	\$1,400	\$21,000
GTA legal counsel (no)	\$1	
GTA legal counsel (day rate), inc preparation (2 day) & review of material/evidence presented (4 day)	\$3,500	\$31,500
Travel (return)		\$3,000
Accommodation		\$4,875
Transcript services		
Daily fee	\$850	\$2,550
Pages - assume 110 per day	\$16	\$5,280
Travel (return)		\$0
Accommodation		\$0
Venue		
Venue hire (day)	\$1,000	\$3,000
Catering (arbitrators and GTA only)	\$25	\$900
	Total (ex GST)	\$78,105
	Total (inc GST)	\$85,916

Estimated costs for a four day oral hearing

Assumptions	No/rate	
No of arbitrators	3	
Hearing days	4	
Travel (return)	\$600	
Accommodation (night)	\$325	
GTA administration		Extensions
Organisation of hearing (flat fee)	\$3,000	\$3,000
Staff attending	1	
Staff hearing attendance	\$1,000	\$4,000
Arbitrator sitting fee (days) inc preparation (1 day) & review of material/evidence/award writing presented (1 day)	\$1,400	\$25,200
GTA legal counsel (no)	1	
GTA legal counsel (day rate), inc preparation (2 day) & review of material/evidence presented (4 day)	\$3,500	\$35,000
Travel (return)		\$3,000
Accommodation		\$6,500
Transcript services		
Daily fee	\$850	\$3,400
Pages - assume 110 per day	\$16	\$7,040
Travel (return)		\$0
Accommodation		\$0
Venue		
Venue hire (day)	\$1,000	\$4,000
Catering (arbitrators and GTA only)	\$25	\$1,200
	Total (ex GST)	\$92,340
	Total (inc GST)	\$101,574