

Schedule 1- Grain Trade Australia Ltd (GTA) Dispute Resolution Fees (exc. GST) – effective 19th December 2022

Note: these fees and charges relate to a standard document-based arbitration process.

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.

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

Types of fees

Small Claims Fee is the cost associated with a Small Claim process, paid by the Claimant prior to GTA recognising that an arbitration has been initiated.

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.

Application fee for preliminary hearing is the cost associated with the determination of a preliminary issue, e.g. jurisdiction, which falls outside the standard process. The consolidation of arbitrations is exempt from this fee. A Preliminary Hearing fee must be paid in full by the requesting Party/s to cover the additional expenses of GTA and the Tribunal for the determination of preliminary issues.

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 of the process fee may be refunded if there is a commercial settlement of the dispute prior to the lodgement of the Claimant's Points of Reply.

Oral hearing fees are the costs associated with holding an oral hearing which falls outside the standard process. The requesting Party/s shall pay the amount necessary to cover the additional expenses of GTA and the Tribunal for the hearing.

Other costs

Travel, communication and other expenses e.g., Secretariat support, 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.
- All fees listed below are exclusive of GST.

Small Claims Service

Should a Claimant seek a Small Claim the applicable fee is payable by the Claimant only. The filing fee does not apply to Small Claims.

Fee	Member/producer	Non member
Small Claim Fee	\$2,000	\$3,000

Filing fee for Expert Determination, Fast Track and Full Arbitration Services

The Filing fee is payable by the Claimant only

Fee	Member/producer	Non member
Filing fee	\$560	\$840

Preliminary Hearing

Should a party seek a Preliminary Hearing the applicable fee must be paid in full by the requesting Party/s.

Fee	Member/producer	Non member
Preliminary Hearing Fee	\$5,000	\$7,500

Expert Determination*

Fee	Member/producer	Non member
Non-refundable administration fee	\$560	\$840
Process fee	\$1,120	\$1,675

Fast Track Arbitration Service*

Fast Track Arbitration is compulsory for disputes with a claim value between \$15,000 and \$50,000 (exclusive of interest and costs).

Fee	Member/producer	Non member
Non-refundable administration fee	\$1,675	\$2,515
Process fee		
Claim up to \$25,000	\$1,675	\$2,515
Claim of \$25,001 to \$50,000	\$2,235	\$3,350

Full Arbitration Service excluding arbitrations involving GTA Export Contracts*

Fee	Member/producer	Non member
Non-refundable administration fee	\$2,945	\$4,420
Process fee		
Claim up to \$50,000	\$3,045	\$4,570
Claim of \$50,001 to \$100,000	\$4,315	\$6,475
Claim of \$100,001 to \$500,000	\$5,585	\$8,375
Claim of \$500,001 and over	\$6,805	\$10,150

*Each party to an Expert Determination, Fast Track or Full Arbitration is to pay Administration and Process fees.

Full Arbitration Service for arbitrations involving GTA Export Contracts*

Fee	Member/producer	Non member
Non-refundable administration fee	\$915	\$1,375
Process fee		
Claim up to \$100,000	\$1,525	\$2,285
Claim of \$100,001 to \$500,000	\$2,160	\$3,250
Claim of \$500,001 and over	\$2,795	\$4,190
Tribunal Chairman (cost basis)	\$510/hr	\$510/hr

*Each party to an Expert Determination, Fast Track or Full Arbitration is to pay Administration and Process fees.

Chair - Arbitration Tribunal

The Tribunal Chair for arbitrations involving GTA Export Contracts, will be selected by GTA from a specialist Arbitrator Panel composed of legal specialists with demonstrated experience in export commodity/ marine contracts. The Chair 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.

Notes and estimated costs for an oral hearing to be held under Article 33 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 videoconferencing. Fees are based on the conduct of this type of standard process.

An oral hearing may require:

- Arbitrators giving up time from their work commitments to participate in the oral hearing
- Substantially more administrative work by GTA to organise than a standard process
- Additional secretariat support for GTA and in particular the arbitrators to ensure adherence to all legal requirements
- Transcript services
- Access to video conferencing facilities, 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 33.9 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 secretariat support 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, secretariat support 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.

Estimated costs for an oral hearing via video conference

Oral hearings are currently undertaken via video conferencing and the estimated fees below reflect that. Additional fees may be incurred for the provision of transcripts or arbitrator access to video conferencing facilities.

Face to face oral hearings will incur additional fees, contact arbitration@graintrade.org.au for a quotation.

Oral hearings are only available for Full arbitrations and require the participation of a Tribunal of three Arbitrators.

One day oral hearing estimate

Fee	Units (people x days)	Rate (per day)	Total
Organisation of hearing (flat fee)		\$3,000	\$3,000
GTA staff hearing attendance	1	\$1,000	\$1,000
Arbitrator sitting fee per arbitrator: - preparation (1 day) - hearing (1 day) - review of materials/evidence and award deliberation (1 day)	9 (3 arbitrators x 3 days each)	\$1,400	\$12,600
GTA secretariat support hearing fees - preparation (2 days) - hearing (1 day) - review of materials/evidence, award writing and additional secretariat support (2 days)	5	\$4,000	\$20,000
Total			\$36,600
GST			\$3,660
Total GST inc			\$40,260

Two day oral hearing estimate

Fee	Units (people x days)	Rate (per day)	Total
Organisation of hearing (flat fee)		\$3,000	\$3,000
GTA staff hearing attendance	2	\$1,000	\$2,000
Arbitrator sitting fee per arbitrator: - preparation (1 day) - hearing (2 days) - review of materials/evidence and award deliberation (1 day)	12 (3 arbitrators x 4 days each)	\$1,400	\$16,800
GTA secretariat support hearing fees - preparation (2 days) - hearing (2 days) - review of materials/evidence, award writing and additional secretariat support (3 days)	7	\$4,000	\$28,000
Total			\$49,800
GST			\$4,980
Total GST inc			\$54,780

Three day oral hearing estimate

Fee	Units (people x days)	Rate (per day)	Total
Organisation of hearing (flat fee)		\$3,000	\$3,000
GTA staff hearing attendance	3	\$1,000	\$3,000
Arbitrator sitting fee per arbitrator: - preparation (1 day) - hearing (3 days) - review of materials/evidence and award deliberation (1 day)	15 (3 arbitrators x 5 days each)	\$1,400	\$21,000
GTA secretariat support hearing fees - preparation (2 days) - hearing (3 days) - review of materials/evidence, award writing and additional secretariat support (4 days)	9	\$4,000	\$36,000
Total			\$63,000
GST			\$6,300
Total GST inc			\$68,300