

## **Member Update**

**Title:** **Contracts, receival standards, opinions/advice and GTA**

**Update No.:** **37 of 10**

**Date of Issue:** **20 December 2010**

### **Distribution**

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

### **Issue**

GTA is currently receiving a number of requests for advice in regards to contractual situations and receival standards arising from the current adverse harvest conditions.

### **GTA's position**

GTA is not in a position to comment on contracts and / or how receival standards have been applied. These issues are for parties to determine a commercial position based on their respective requirements.

GTA is not resourced, nor legally able to supply legal advice. This is a process that the parties to the contract have to negotiate if there is an issue.

If there is a dispute and the contract references GTA Trade Rules, then GTA is able to talk through the alternatives which include:

1. referring to the GTA Trade Rules or Dispute Resolution Rules available on the GTA website for clarification;
2. contact the counterparty to discuss the issues and attempt to reach a negotiated settlement, or alternatively;
3. seeking independent professional advice and or legal advice.

GTA conducts the dispute resolution service and if a dispute was referred to the GTA process then GTA can not be seen to be giving advice to one party at the expense of another. Hence, we are not able to give an opinion or advice. GTA must remain impartial.

### **More information**

For more information regarding the GTA Trade Rules and Dispute Resolution Services please refer to the GTA website: <http://graintrade.org.au/>.