

Member Update

No. 35 of 2020 • 18 December 2020

TOPIC: Outcome of Australian Grain Industry Code of Practice Complaint

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

1. Purpose

To inform Members of the outcome of two Complaints made to GTA under the *Australian Grain Industry Code of Practice (Code)* and the Determination, including sanctions against the Respondent (Unique Grain Management), recommended to the GTA Board by the Complaints Tribunal.

2. Background

- GTA received complaints from two parties against Unique Grain Management (UGM) (**the Respondent**) under the [Australian Grain Industry Code of Practice \(Code\)](#). The complaints related to conduct under [TGD No4 – Operating Guidelines for Pool Operators](#).
- The Complainants had noted they did not receive a response from UGM to their direct complaints. They subsequently lodged a complaint with GTA under the Code and [TGD No 1 - Complaints Handling Guidelines](#).
- GTA managed the complaints in accordance with [TGD No 1 - Complaints Handling Guidelines](#). This led to the GTA Board forming a Board Committee, as a Tribunal under the *Guidelines* to review the complaints.
- The Tribunal noted “*It is important to bear in mind that Tribunals constituted by GTA under the Complaints Guidelines do not have power to award compensatory damages. Aggrieved parties may elect to pursue complaints under the Complaints Guidelines when matters of conduct, or seek compensation through GTA arbitration, if that is available, or through the Courts, where they are contractual or commercial matters.*”
- The Tribunal’s full Determination can be found [here](#) and the recommendations are noted below.

The Tribunal determined and recommended to the GTA Board that approved, that;

- (a) *The Respondent’s membership of GTA be cancelled;*
- (b) *The Respondent pay GTA \$15,000 to cover the expenses of convening this Tribunal*
- (c) *This determination be published by GTA to its members to ensure they are fully conscious that such conduct is not acceptable for standing as a GTA member and can result in sanctions under the Code and the Complaints Handling Guidelines.*

Members are recommended to note the Determination of this complaint and the significant sanctions that may result from such conduct.

END.