

## **SUBMISSION**

TO: The Productivity Commission

FROM: Grain Trade Australia

DATE: 13 November, 2009

SUBJECT: Productivity Commission Issues Paper October 2009

---

GTA makes this submission in response to the following issue identified by the Productivity Commission at page 11 of its Issues Paper October 2009, *Wheat Export Marketing Arrangements*;

*Is the ACCC well placed to deal with access disputes? Should another body be available to facilitate negotiation and arbitration of day-to-day issues where prompt resolution is important to exporting opportunities?*

### **Background**

As part of the ACCC's consideration of access undertakings under the Wheat Marketing Act, GTA made the annexed submission dated 25 August 2009 offering to provide a specialised access dispute resolution and arbitration processes on the back of the well established GTA Dispute Resolution Process.

While that submission and indeed the GTA process appears to have won "grass roots" support from the bulk handlers and their customers, the ACCC while acknowledging the merits of the GTA process, stopped short of endorsing and adopting it and instead required that arbitrations be referred to the ACCC in the first instance and that the ACCC will decide whether it should administer the arbitration or whether it should be left to the parties to appoint an arbitrator (it presumably being at the option of the parties whether they chose to utilise GTA arbitration).

### **Submission on behalf of GTA**

GTA does not wish to make any submission in relation whether ACCC is well placed to deal with access disputes.

GTA does however wish to submit that it remains available to facilitate negotiation and arbitration of day-to-day issues where prompt resolution is important to exporting opportunities.

In addition to simply repeating the annexed submission, GTA wishes to make the following further short observations;

- GTA's industry experience is unrivalled;
- GTA's dispute resolution processes have been tested judicially and upheld;
- GTA has an established 20-year "track record" of successfully administering grain-related arbitration;

- GTA will prepare expedient and expeditious Guidelines for Access Disputes to ensure the timely resolution of Access Disputes;
- GTA will empanel appropriately experienced, qualified and trained mediators and arbitrators who will be able to specialise in grain related access disputes.
- GTA will ensure that there are sufficient members on its panel so as to avoid conflicts.

GTA is able to develop this submission and provide further details should the Commission require.



Geoff Farnsworth  
Director  
Grain Trade Australia  
13 November 2009