

**AUSTRALIAN WINE INDUSTRY CODE OF CONDUCT**

**LIST OF INDEPENDENT EXPERTS**

**AND**

**DISPUTE RESOLUTION PROCESS**

**MARCH 2012**

## Overview of the dispute resolution process under the Code of Conduct

Disputes in the main occur over the perceived inadequacy of the winegrape price, or over an apparent failure to comply with specifications for winegrape maturity, purity or condition resulting in either price adjustments or rejection of the winegrapes.

The Code requires both parties to participate in the Dispute Resolution procedure and to assist the Independent Expert by providing any information requested.

Any Disputing Party who invokes the Dispute Resolution Procedures is agreeing to be bound by the Code in relation to the conduct of the Dispute, in particular the clauses relating to defamation and cost recovery. The existence of a Dispute does not relieve any party of the obligations under the agreement between a winegrape supplier and a signatory to the Code.

### The process in brief

#### Disputes over Winegrape Price

##### Step 1

Within 7 business days of the dispute arising, the disputing party sends a Notice of Dispute to the other party and forwards a copy to the Code Secretariat. The Notice of Dispute is available from [www.wineindustrycode.org/Dispute\\_Resolution.html](http://www.wineindustrycode.org/Dispute_Resolution.html) or contact the Code Secretariat. The Secretariat contact details are at the bottom of this section of this document.

##### Step 2

Within 7 business days of receiving the Notice of Dispute, the respondent replies in writing and informs the Code Secretariat in writing that a response has been provided.

##### Step 3

The Code Secretariat will endeavour to contact the parties to try to help them resolve the dispute informally.

##### Step 4

If, within 14 business days from the issue of the Notice of Dispute, the parties cannot negotiate a settlement to the dispute, they must jointly endeavour to appoint an Independent Expert. The list of Independent Experts is in this document.

##### Step 5

If, after 21 business days from the issue of the Notice of Dispute, the parties cannot agree on the selection of an Independent Expert, they can, within 28 business days of the issue of the Notice of Dispute, apply to the Code Administration Committee via the Secretariat, for the appointment of an Independent Expert from the panel.

**Step 6**

The Code Secretariat will coordinate the appointment of an Independent Expert.

**Step 7**

Within 14 business days of his or her appointment, the Independent Expert will deliver a determination.

## **Disputes over Downgrades and Rejections in the Vineyard**

**Step 1**

When a dispute arises, the disputing party sends a written Notice of Dispute to the winegrape purchaser and sends a copy to the Code Secretariat. The Notice of Dispute is available from [www.wineindustrycode.org/Downloads.html](http://www.wineindustrycode.org/Downloads.html) or contact the Code Secretariat. The Secretariat contact details are at the bottom of this section of this document.

**Step 2**

Within 2 days (48 hours) from the time of issue of the Notice of Dispute, the winegrape purchaser will respond in writing and inform the Code Secretariat in writing that a response has been provided.

**Step 3**

The Code Secretariat will endeavour to contact the parties to try to help them resolve the dispute informally.

**Step 4**

If, after 3 days (72 hours) from the time of issue of the Notice of Dispute, the dispute is ongoing, the parties will jointly endeavour to appoint an Independent Expert.

**Step 5**

If, within 4 days (96 hours) from the time of issue of the Notice of Dispute, the parties are unable to agree on the selection of an Independent Expert, either party can apply to the Code Committee via the Secretariat for the appointment of an Independent Expert, the application to be made within 5 days (120 hours) of the time of issue of the Notice of Dispute.

**Step 6**

The Code Secretariat will coordinate the appointment of an Independent Expert.

**Step 7**

Within 48 hours of his or her appointment, the Independent Expert will deliver a determination.

### Further Information

If you require further information, please see Part 3 of the Code which details the dispute resolution provisions or, if you have any questions about these procedures, please contact the Code Secretariat. The Code of Conduct is available to read by section here: [www.wineindustrycode.org/online\\_code.html](http://www.wineindustrycode.org/online_code.html), for download here: [www.wineindustrycode.org/Downloads.html](http://www.wineindustrycode.org/Downloads.html) or from the Secretariat below.

### The Code Secretariat

The Accord Group, Level 2, 370 Pitt Street, Sydney NSW 2000, Telephone: (02) 9264 9506, Facsimile: (02) 9264 8268,  
Email: [secretariat@wineindustrycode.org](mailto:secretariat@wineindustrycode.org)

**Australian Wine Industry Code of Conduct  
Independent Experts**  
[www.wineindustrycode.org.au](http://www.wineindustrycode.org.au)

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Paul Andrew Baguley	PB Ag Consulting Pty. Ltd. PO Box 1197 Mudgee NSW 2850  P: (02) 6372 7170 M: 0428 404 109 F: (02) 6372 0388 E: <a href="mailto:paul@pbag.com.au">paul@pbag.com.au</a>	\$120	Yes	Expertise in winegrape price disputes.  Expertise in weighbridge disputes	Casella Wines
Simon Berry	berry2wine Pty. Ltd. PO Box 279 McLaren Vale SA 5171  P: (08) 8388 3949 M: 0418 237 791 F: (08) 8388 3982 E: <a href="mailto:berry2wine@dodo.com.au">berry2wine@dodo.com.au</a>	\$130	Yes	Expertise in winegrape price disputes.	Chain of Ponds Haselgrove
Derek Cameron	DJ's Grower Services & Suppliers Pty. Ltd. Lot 12, Chalk Hill Road McLaren Vale SA 5171  P: (08) 8323 8339 M: 0400 824 287 F: (08) 8323 0181 E: <a href="mailto:derek@djsgrowers.com.au">derek@djsgrowers.com.au</a> W: <a href="http://www.djsgrowers.com.au">www.djsgrowers.com.au</a>	\$125 for reporting/Phone \$200 Contact	Yes	Expertise in winegrape price disputes.  Expertise in weighbridge disputes	Orlando Wines

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Dianne Davidson	Davidson Viticulture PO Box 433 Hahndorf SA 5245  P: (08) 8388 1242 M: 0417 831 793 F: (08) 8388 1325 E: <a href="mailto:di@dvcs.com.au">di@dvcs.com.au</a> W: <a href="http://www.dvcs.com.au">www.dvcs.com.au</a>	\$300	Yes	Expertise in winegrape price disputes	Casella Wines
Charles Drew	Scholefield Robinson Horticultural Services PO Box 650 Fullarton SA 5063  P: (08) 8373 2488 M: 0407 978 689 F: (08) 8373 2442 E: <a href="mailto:charles@srhs.com.au">charles@srhs.com.au</a> W: <a href="http://www.srhs.com.au">www.srhs.com.au</a>	Price on application	Yes	Expertise in winegrape price disputes.  Arbitrator for contract disputes.	SRHS work with a wide range of clients within the Australian Wine Industry, both wineries & grape growers. Any potential conflicts will be identified before commencing any activity regarding the Code of Conduct
Nicole Esdaile	Wine Network Consulting 29 Dalgety Street Oakleigh VIC 3166  P: (03) 9564 7089 M: 0407 386 314 F: (03) 9564 7039 E: <a href="mailto:nesdaile@winenet.com.au">nesdaile@winenet.com.au</a> W: <a href="http://www.winenet.com.au">www.winenet.com.au</a>	Price on application	Yes	Expert opinions in wine quality disputes.	

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Rachel Gore	Wine Network Consulting 29 Dalgety Street Oakleigh VIC 3166  P: (03) 9564 7089 M: 0424 724 409 F: (03) 9564 7039 E: <a href="mailto:rgore@winenet.com.au">rgore@winenet.com.au</a> W: <a href="http://www.winenet.com.au">www.winenet.com.au</a>	Price on application	Yes	Expertise in winemaking and grape quality disputes.	
Anthony (Tony) Hickey	WHK PO Box 1608 Mildura Vic 3502,  P: (03) 5023 9700 M: 0418 342 825 F: (03) 5021 1430 E: <a href="mailto:tony.hickey@whk.com.au">tony.hickey@whk.com.au</a> W: <a href="http://www.whk.com.au">www.whk.com.au</a>	\$260	Yes	Expertise in winegrape price disputes.  Expertise in weighbridge disputes	D G Mitchell & Sons B A Scott Pty Ltd S A Ryan I P Ryan Lee McKeand & Son
James Hook	DJ's Grower Services & Suppliers P/L Lot 12, Chalk Hill Road McLaren Vale SA 5171  P: (08) 8323 8339 M: 0400 656 350 F: (08) 8323 0181 E: <a href="mailto:james@djsgrowers.com.au">james@djsgrowers.com.au</a> W: <a href="http://www.djsgrowers.com.au">www.djsgrowers.com.au</a>	\$125 for reporting / contracting \$200 Contact	Yes	Expertise in winegrape price disputes.  Expertise in weighbridge disputes	
Roger Hoare	Stanbridge Estate Stanbridge NSW 2705  P: (02) 6955 1234 M: 0429 444 498 E: <a href="mailto:truwren@bigpond.com.au">truwren@bigpond.com.au</a>	\$150	Yes	Expertise in winegrape price disputes.  Expertise in weighbridge disputes	CSU Winery

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
John Innes	J&M Innes Pty Ltd V&A Lane Coonawarra SA 5263  P: (08) 8736 3282 M: 0409 836 289 E: <a href="mailto:jm.innes@bigpond.com">jm.innes@bigpond.com</a>	\$150	Yes	Expertise in winegrape price disputes.	Confirm prior to appointment.
Reg Johns	Reg Johns & Associates 19 stockman's Drive Irymple, VIC  P: (03) 5024 6237 M: 0408 246 237 E: <a href="mailto:johnsr@bigpond.com">johnsr@bigpond.com</a>	\$100	Yes	Expertise in winegrape price disputes	
Adrian Loschiavo	Scholefield Robinson Horticultural Services PO Box 650 Fullarton SA 5063  P: (08) 8373 2488 M: 0421 480 747 F: (08) 8373 2442 E: <a href="mailto:adrian@srhs.com.au">adrian@srhs.com.au</a> W: <a href="http://www.srhs.com.au">www.srhs.com.au</a>	Price on application	Yes	Expertise in winegrape price disputes.  Vineyard quality assessment	SRHS work with a wide range of clients within the Australian Wine Industry, both wineries & grape growers. Any potential conflicts will be identified before commencing any activity regarding the Code of Conduct
Alison MacGregor	Scholefield Robinson Mildura Pty Ltd PO Box 1446, Mildura VIC 3502  P: (03) 5023 4644 M: 0419 229 713 F: (03) 5023 5814 E: <a href="mailto:alison.macgregor@srmildura.com.au">alison.macgregor@srmildura.com.au</a> W: <a href="http://www.srhs.com.au">www.srhs.com.au</a>	\$140	Yes	Expertise in winegrape quality disputes	SRHS work with a wide range of clients within the Australian Wine Industry, both wineries & grape growers. Any potential conflicts will be identified before commencing any activity regarding the Code of Conduct



Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Mary Retallack	Retallack Viticulture Pty. Ltd. 125 Sheoak Road Crafers West SA 5152  P: (08) 8339 3324 M: 0408 393 324 F: (08) 8339 4331 E: <a href="mailto:mary@viti.com.au">mary@viti.com.au</a> W: <a href="http://www.viti.com.au">www.viti.com.au</a>	\$200	Yes	Expertise in winegrape price disputes. Expertise in weighbridge disputes (independent assessment of fruit quality, maturity, purity and condition) preferably in the vineyard prior to picking.	
Liz Riley	Vitibit Pty. Ltd. 11 McKensy Street Nulkaba NSW 2325  P: (02) 4991 1118 M: 0411 203 773 F: (02) 4991 1148 E: <a href="mailto:liz@vitibit.com.au">liz@vitibit.com.au</a> W: <a href="http://www.vitibit.com.au">www.vitibit.com.au</a>	\$110	Yes	Expertise in winegrape price disputes. No direct experience in weighbridge disputes but Liz put together the first draft of the Wine Grape Assessment Guide/MOG book produced by Wendy Allen.	Check prior to commencing any activity regarding the Code of Conduct.
Luke Rolley	RMCG 6 Walker Street, Torquay, VIC 3228  M: 0407 505 362 F: (03) 5261 5515 E: <a href="mailto:rolley.l@bigpond.com">rolley.l@bigpond.com</a> W: <a href="http://www.rmccg.com.au">www.rmccg.com.au</a>	\$150	Yes	Expertise in winegrape price disputes.  Expertise in weighbridge disputes.	Blaxland Vineyards Ltd.

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Brian James Sainty	Viticulture Management Pty. Ltd. PO Box 1723, Griffith NSW 2680  P: (02) 6964 0665 M: 0429 620 126 E: <a href="mailto:landsainty@bigpond.com">landsainty@bigpond.com</a>	\$150	Yes	Expertise in winegrape price disputes.  Expertise in weighbridge disputes.  Expertise in grape quality assessment in vineyard.  Expertise in assessment of disease % levels in vineyard.	None
Peter Scholefield	Scholefield Robinson Horticultural Services PO Box 650 Fullarton SA 5063  P: (08) 8373 2488 M: 0427 082 022 F: (08) 8373 2442 E: <a href="mailto:peter@srhs.com.au">peter@srhs.com.au</a> W: <a href="http://www.srhs.com.au">www.srhs.com.au</a>	Price on application	Yes	Expertise in winegrape price disputes. Vineyard quality assessment	SRHS work with a wide range of clients within the Australian Wine Industry, both wineries & grape growers. Any potential conflicts will be identified before commencing any activity regarding the Code of Conduct
Mark Swann	Consultant 21 North Street, Adelaide SA 5000  P: (08) 8231 4210 M: 0408 824 606 F: (08) 8231 4213 E: <a href="mailto:markswann@internode.on.net">markswann@internode.on.net</a>	\$150	Yes	Expertise in winegrape price disputes. Expertise in weighbridge disputes. Expertise in wine quality assessment.	

Name	Contact Details	Hourly rate* (exc. GST)	CV available upon request?	Experience	Conflicts
Garth Swinburn	Scholefield Robinson Mildura Pty. Ltd. PO Box 1446 Mildura VIC 3502  P: (03) 5023 4644 M: 0419 117 369 F: (03) 5023 5814 E: <a href="mailto:garth.swinburn@srmildura.com.au">garth.swinburn@srmildura.com.au</a> W: <a href="http://www.srhs.com.au">www.srhs.com.au</a>	\$200	Yes	Expertise in winegrape quality disputes	SRHS work with a wide range of clients within the Australian Wine Industry, both wineries & grape growers. Any potential conflicts will be identified before commencing any activity regarding the Code of Conduct
David Tierney	Consultant 14 Riverview Drive Dareton NSW 2717  P: (03) 5027 4725 M: 0407 864 470 E: <a href="mailto:david.tierney@bigpond.com">david.tierney@bigpond.com</a>	\$75	Yes	Expertise in winemaking and grape quality assessment as well as winegrape price disputes.	

\* Other expenses may be incurred in addition to hourly rate.