

# Appendix 1: Independent Expert Determination

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| **Step** | **Action** | **Time-frame** | |
| ***Time-Sensitive*** | ***Non-Time Sensitive*** |
| 1 | 1. The Complainant must give notice in writing (including by email) to the Respondent (with a copy to the Secretariat) of the Dispute, specifying that the parties shall use the procedures contained in this Appendix 1 to resolve the Dispute (**Notice of Dispute**). 2. The Notice of Dispute must specify: 3. the nature of the Dispute with reasonable particulars; 4. whether or not the Dispute is a Time-Sensitive Dispute (in the Complainant’s reasonable opinion); 5. the desired outcome of the Complainant; and 6. reasoning as to why that outcome is just. 7. The Secretariat may liaise with the parties, individually or together, in order to facilitate an early resolution of the dispute. | As soon as practicable and no later than 7 days of the determination being notified to the grower. | |
| 2 | If, following Step 1, there is no resolution of the Dispute, the Secretariat will, as soon as practicable, advise both parties whether the Dispute is Time-Sensitive and the parties will follow the following procedures within the specified time frames: | As soon as practicable | |
| 3 | 1. The Respondent must give notice in writing (including by email) to:    1. the Complainant; and    2. the Secretariat,   specifying:   * 1. whether or not the Complainant’s desired outcome is agreed; and   2. if the desired outcome is not agreed:      1. providing reasoning as to why the Complainant’s claim is not just; and      2. offering an alternative resolution (in the case where the Respondent wishes to offer another outcome).  1. The Secretariat may liaise with the parties, individually or together, in order to facilitate an early resolution of the dispute. | Within 48 hours from issue of the Notice of Dispute | Within 5 business days from date of issue of the Notice of Dispute |
| 4 | If, following Steps 1 to 3, the parties have not resolved the Dispute, the matter will be settled by an Independent Expert jointly appointed by them. They must be satisfied that the Independent Expert is impartial and qualified to rule on the matter(s) in Dispute. | Within 72 hours from issue of the Notice of Dispute | Within 10 business days from date of issue of the Notice of Dispute |

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| **Step** | **Action** | **Time-frame** | |
| ***Time-Sensitive*** | ***Non-Time Sensitive*** |
| 5 | If the parties cannot agree on the selection of an Independent Expert, the Secretariat will make the appointment, from the list of Independent Experts on AGW’s code website, upon application of either party and after consulting with the parties. | Within 24 hours of receipt of an application from either party under this Step 5 | Within 5 business days of receipt of an application from either party under this Step 5 |
| 6 | 1. The Independent Expert will determine their own processes and the parties will comply with them. 2. The Independent Expert will deliver a determination to the parties and the Secretariat or, if the matter requires extensive consideration, submissions from the parties, investigation or other evidence, will set a reasonable time-frame within which to deliver the determination (and subsequently deliver the determination within that time-frame). | Within 48 hours of being appointed, or such other reasonable time-frame | Within 10 business days of being appointed, or such other reasonable time-frame |