

Code Conciliator's Annual Report 1 July 2010 – 30 June 2011

Number of Disputes

2 new dispute enquiries were received during this period as compared with 7 last year and 8 in the year before. This brings to 193 the total of dispute enquiries received since the establishment of the Code in 1998.

Both enquirers used the Code's informal dispute resolution procedures. This is where the enquirer is encouraged to raise the matters with the other side, then if so requested, the Code Secretariat takes the matter up with the other side with a view to facilitating resolution of the dispute. The emphasis is on resolving disputes before conciliation.

Since 1998, 9 matters have been conciliated, 8 of which resulted in agreement. No formal conciliations were held during the past year.

Nature of Complaints

One of the complaints related to subsequent run terms of trade. The other involved terms of trade for 3D product.

Administration

Under the early intervention procedures the Code Secretariat plays an active role in facilitating communication and in resolving the problem by encouraging the complainant to take the matter up directly with the Managing Director of the other side and (if that does not solve the problem) by the Secretariat telephoning the Managing Director. This approach can lead to a quick resolution to the problem at no cost to the parties, unlike formal conciliation.

The early intervention processes are working well and resulting in quick settlement or an improved understanding of the situation for the complainant.

The Code Secretariat plays an important role in allowing complainants to register their concerns, to explain the available alternatives and to facilitate agreement. Sometimes complainants simply wish to discuss the problem with the Secretariat and

express their concerns as part of their decision-making process whether to progress the matter under the Code. Often enquirers wish to express some dissatisfaction with how the industry operates without wanting to commence the dispute resolution process. The Secretariat provides an effective and helpful point through which such issues can be registered.

Operation of the Code

While the industry should be pleased with how the Code is working, I believe that there should be continued awareness activity on the existence and provisions of the Code's dispute resolution processes so that industry participants are continually aware that the Code is there to assist.

It is very pleasing to see the high level of co-operation which exists between the industry representative associations. This is evidenced by the constructive way in which participants now discuss matters of mutual interest.

There is no doubt that the Code has played a pivotal role in the improvement of understanding, behaviour and relationships between industry participants. The Code has improved systems and attitudes in participant companies so that internal processes are resolving matters quickly without the need to have recourse to the Secretariat. The Code has improved communication and relationships in the sector and this has been its main benefit.

I acknowledge the effective, efficient and detailed work of Ms Nathalie Birt as Code Secretariat. I thank the Code Administration Committee, in particular, the Chairman, Mr John Dickie, for assisting and supporting the Code's Conciliator and Secretariat functions. I also thank the Committee for its continued confidence in the roles that I and the Secretariat perform.

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