

## **7. SPREADMARK OPERATIONAL PROCEDURES**

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This section of the Spreadmark Code of Practice contains the following Spreadmark operational procedures:

- 7.1 Spreadmark Procedure for Complaints; and
- 7.2 Spreadmark Disciplinary and Deregistration Procedures.

## **7.1 SPREADMARK PROCEDURE FOR COMPLAINTS**

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### **SCOPE**

This is the procedure for the making and resolving of complaints laid by one Spreadmark accredited company against another in respect to an alleged breach of any Spreadmark rule. It is also the procedure for farmers or growers or fertiliser companies who wish to use the Spreadmark Scheme as a means of complaining about poor practice.

### **COMPLAINTS PROCEDURE WHERE THE COMPLAINANT IS A SPREADMARK ACCREDITED SPREADING COMPANY OR A FERTMARK ACCREDITED COMPANY**

1. Before making a formal approach to the Fertiliser Quality Executive Committee ("the Executive Committee") it is expected that the complainant member will have made contact with the company complained against, in an effort to resolve the matter. The complainant company must notify the Executive Director of such action at the time the approach is made. If the Executive Director considers that it may be useful to facilitate a speedy resolution to a potential complaint the Executive Director may alert the Spreadmark Auditor or the Executive Committee or an Expert Panel to the potential for a complaint developing or may convene either group for advice.

If the two companies resolve the issue the Executive Director must be informed so that there can be verification that the conditions agreed to are in compliance with Spreadmark policy.

2. When placing a complaint before the Executive Director, the written submission from the complainant should define the clauses of the Spreadmark Rules considered to be breached, and advise measures taken to resolve the matter with the defendant company.
3. On receipt of the complaint, the Executive Director (or their nominee) will seek to arrange a mediation meeting of the parties in an endeavour to reach a resolution within a period of no more than 20 working days.
4. If the mediation meeting called by the Executive Director is declined or fails to settle the complaint, the Executive Director (or their nominee) may present the case for resolution to the Executive Committee in accordance with the Spreadmark Disciplinary Procedures and within 10 working days of the mediation failing.
5. Any costs incurred in this Complaints Procedure will lie where they fall.

## **COMPLAINTS PROCEDURE FOR FARMERS AND GROWERS AGAINST A SPREADMARK ACCREDITED COMPANY**

1. Before making a formal approach to the Fertiliser Quality Executive Committee ("The Executive Committee") it is expected that the complainant will have made contact with the company being complained against, in an effort to resolve the matter.
2. To be considered, complaints by farmers or growers must be in writing and should advise measures taken to resolve the matter with the defendant company.
3. On receipt of the complaint, the Executive Director (or their nominee) will seek to arrange a mediation meeting of the parties in an endeavour to reach a resolution within a period of no more than 20 working days.
4. If the mediation meeting called by the Executive Director is declined or fails to settle the complaint, the Executive Director (or their nominee) may present the case for resolution to the Executive Committee in accordance with the Spreadmark Disciplinary Procedures. The Executive Director may also choose to seek independent advice as to the likely validity of any complaint.
5. Any costs incurred in this Complaints Procedure will lie where they fall. Before costs are incurred by the Expert Committee or the Auditor it will have been decided who is paying them.

## **7.2 SPREADMARK DISCIPLINARY AND DEREGISTRATION PROCEDURE**

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### **SCOPE**

This is the procedure for the proper resolution of issues which may lead to sanctions being applied to a Spreadmark accredited company.

### **DISCIPLINARY PROCEDURES**

1. The sanctions that the Fertiliser Quality Executive Committee ("the Executive Committee") may apply to members for serious breaches of the Spreadmark Rules are public statements and expulsion. These sanctions can be applied where there are clear and serious breaches of the Spreadmark Rules which are sufficient to damage the integrity of Spreadmark or to mislead fertiliser users.
2. Where, in the opinion of the Executive Director, there is a clear and serious breach of the Rules, the Executive Director may convene a meeting of the Executive Committee and advise the relevant company that this action has been taken. The Executive Director may also commission an investigation by the Auditor.
3. The Executive Committee will consider such written material as is supplied and will decide on an appropriate course of action. The meeting may be held by a physical meeting or by teleconference and shall be held within 10 working days of the Executive Director deciding there is a clear and serious breach.
4. If the Executive Committee considers that there are matters of a technical nature to be resolved, these may be referred to an Expert Group for an opinion. Where this occurs, the convenor of the Expert Group shall be one of the members of the Executive Committee who have been co-opted onto the Committee for their technical expertise. The Expert Group shall report to the Executive Committee within 20 working days of the matter being referred to it.
5. When the Executive Committee has reached a decision the affected parties will be advised.
6. If the Executive Committee proposes to make a public statement the offending member shall be advised in writing by registered mail and by fax of the proposed publicity and be given a period of five working days to respond. The five days will be from the date of receipt of the registered letter which will be deemed to be two working days after its dispatch. The response will be considered by the Executive Committee before it issues its public statement.
7. If the Executive Committee considers that there has been a breach of the Spreadmark Rules it may begin the process for withdrawing accreditation of that company. In doing so it will follow the rules outlined in the Deregistration Procedure which follows.

8. Any costs incurred in this Disciplinary Procedure will lie where they fall.

## **DEREGISTRATION**

1. The Spreadmark accreditation of a fertiliser spreading company may be withdrawn by the Fertiliser Quality Executive Committee when any of the conditions outlined below are met:
  - The fertiliser spreading company operating systems do not meet the Spreadmark System Standard as determined by the Spreadmark Auditor and the company and the breach has not been remedied within the specified time, or
  - A complaint has been made in respect to a breach of the Code of Conduct and such complaint has been upheld by either the Advertising Standards Complaints Board or the Executive Committee and the breach has not been remedied within the specified time, or
  - The fertiliser spreading company defaults in paying the requisite promotion and administration or audit fees and remains in default after the expiration of the due notice period.
2. The decisions of the Fertiliser Quality Executive Committee on matters of deregistration shall be final.

## **8. SPREADMARK PROTOCOLS**

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This section of the Spreadmark Code of Practice contains the following protocols:

- 8.1 Spreadmark Confidentiality Protocol;
- 8.2 Spreadmark Promotional & Administrative Levy Policy.

## **8.1 SPREADMARK CONFIDENTIALITY PROTOCOL**

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### **SCOPE**

This protocol relates to the protection of information relating to fertiliser spreading companies which have applied for or gained Spreadmark accreditation.

### **CONFIDENTIALITY OF INFORMATION**

1. After an application for Spreadmark registration is made by any company the details of the application will only be known to the Executive Director and the Auditor. The identity of the company will not be made available to any other party unless expressly allowed by the applicant company.
2. If any company fails to gain accreditation that information and the reasons for the failure to register will not be made public. No other party will have access to that information, being the name of the company or the reasons for accreditation being declined.
3. If a fertiliser spreading company receives accreditation, then the Executive Director will publicly declare that the company is accredited.
4. All information and data collected from a company by the Auditor in carrying out the obligations to Spreadmark is confidential to that company and the Auditor apart from the following exceptions:
  - The normal recommendations from the Auditor to the Executive Committee about accreditations, deregistrations, and amendments.
  - Requests from the Executive Director (and privy only to the Executive Director) to the Auditor for information needed for the efficient functioning of the Spreadmark scheme. Such requests will generally be sought only in the following circumstances:
    - (a) when a company is not meeting the requirements of Spreadmark accreditation as advised by the Auditor;
    - (b) when there is controversy or confusion; or
    - (c) when general operational matters are under review.
5. All information held by the Auditor relating to a company is available to that company.
6. If a fertiliser spreading company chooses to withdraw from the Spreadmark accreditation scheme then the Fertiliser Quality Executive Committee reserves the right to make it publicly known that the company no longer holds Spreadmark accreditation.
7. If the fertiliser spreading company is deregistered by the Fertiliser Quality Executive Committee then this committee reserves the right to make it publicly known that the company no longer holds Spreadmark accreditation.

and also to make publicly known the reasons why that accreditation is no longer held.

## **8.2 SPREADMARK PROMOTIONAL & ADMINISTRATIVE LEVY**

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### **SCOPE**

This policy describes the collection and utilisation of the Spreadmark promotional and administrative levy.

### **LEVY POLICY**

1. The Spreadmark promotional and administrative budget will be set by the Fertiliser Quality Council on an annual basis as part of the setting of the Spreadmark budget.
2. Once the Spreadmark promotional and administrative budget is set this will be used to determine the Spreadmark promotional levy.
3. If the levy collected is greater than that required to operate on a break-even basis, then the accredited fertiliser spreading companies will have the surplus credited to them on a pro rata basis for the following year.
4. The promotional and administrative levy will be invoiced annually.

## **9. SPREADMARK CODES OF CONDUCT**

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Codes of Conduct:

9.1 Spreadmark Code of Conduct for Advertising and Promotion

## **9.1 SPREADMARK CODE OF CONDUCT FOR ADVERTISING AND PROMOTION**

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### **SCOPE**

This is the Code of Conduct for the behaviour of fertiliser spreading companies with respect to advertising and promotion.

### **CODE OF CONDUCT**

1. Compliance with this Code of Conduct is a condition of ongoing accreditation with the Spreadmark Scheme.
2. It is necessary for members, operating as they do in a keenly competitive industry, to draw attention to the existence and nature of their services by the use of advertising and other promotional measures. It follows that the marketing methods employed should be centred on the provision of standards of ethics and be in good taste. These precepts are embodied in the detailed provisions of the Code as set out hereunder.
3. The Code owes its origin to the determination of the scheme to secure the acceptance and adoption of high standards of conduct in the spreading and application of fertiliser.
4. This Code will be administered by the Fertiliser Quality Executive Committee. Complaints by one member against another for alleged breaches of this Code of Conduct will follow the Spreadmark Procedure for Complaints, outlined in the Spreadmark Operational Rules part of this Code.
5. The Code will be kept under constant review and amended from time to time where necessary to clarify it and bring it up to date. Notes for the guidance of member companies will be issued periodically to keep them informed of the rulings and recommendations of the Executive and of any alterations to the Code.
6. Membership of the scheme entitles companies to use the Spreadmark logo in appropriate ways.
7. Services must not be marketed with any direct or indirect reference to Spreadmark unless it complies with all relevant statutory legislation and Spreadmark requirements.
8. When fertiliser spreading companies use spreading equipment that does not have a current Spreadmark test certificate, or use operators that do not have a current Spreadmark training certificate, there must be no suggestion in any marketing or other information that the company's Spreadmark accreditation covers such machinery or operators.

9. Methods of marketing must never be such as to invite unfavourable comment or bring discredit upon either the fertiliser manufacturing or spreading industries or upon other Spreadmark accredited companies.
10. The products, services or personnel of other Spreadmark accredited companies shall not be disparaged, either directly or by implication.
11. Information furnished must be accurate and balanced and must not be misleading, either directly or by implication.
12. All claims and/or comparisons, whether written or verbal, as representation or as advertisement, shall abide by the Advertising Standards Authority Code of Practice. In addition, comparisons must be factual, fair and capable of substantiation. In presenting a comparison, care must be taken to ensure that it does not mislead by distortion, by undue emphasis or in any other way.
13. Any complaint regarding advertising by a Spreadmark accredited company may be referred to the Advertising Standards Authority or to the Fertiliser Quality Executive Committee.
14. Advertisements must be clearly distinguishable from editorial material, where there could be doubt, the word "advertisement" is required.
15. Promotional material should not imitate the devices, slogans or general layout adopted by other companies in a way that is likely to mislead or confuse.
16. Advertisements which make use of scientific data should clearly state the source of that data, which must not be used out of context or in such a manner that does not accurately reflect or portray the overall conclusions of that research. Wherever possible, previously unpublished data, including verbal communications on a subject, may not be used for advertising purposes unless specific written consent is obtained from the originating organisations, or the individual(s) concerned, after they have viewed the advertisement in question.