

**Booklet One**

**of the**

**Spreadmark Code of Practice**

**Procedures, Protocols, Policies and Codes**

**SPREADMARK PROCEDURES, PROTOCOLS, POLICIES AND CODES**

**INTRODUCTION**

This booklet is one of four booklets containing information that supports the Spreadmark Code of Practice for the Application of Nutrients in New Zealand

The Spreadmark Code of Practice can be found here <https://fertqual.co.nz/resources/>

This booklet forms part of the Code and all information related to copyright, document control, acknowledgements and glossary contained in the main Code apply equally to the information in this booklet.

Other booklets containing support information for the Spreadmark Code of Practice are:

Booklet 2: Technical Specification for the Testing and Certification of Groundspread Solid Fertiliser Units.

Booklet 3: Technical Specification for the Testing and Certification of Conventional Boom Sprayers Applying Liquid Nutrient.

Booklet 4: Spread pattern Testing and Interpretation for Aerial Application.

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**Procedure for SPREADMARK certification**

1. Enquiries regarding Spreadmark certification of groundspread companies shall be sent to the Executive Director of the Fertiliser Quality Council using the application form found here <https://fertqual.co.nz/resources/>

2. Applications for certification must be accompanied by the application fee. The application fee is not refundable in the event that the application does not proceed or is unsuccessful.

3. Upon receipt of the application form the Executive Director shall verify that the application is complete and that the appropriate fee is attached. The applicant company is then deemed to be a Spreadmark applicant company.

4. The Executive Director then forwards the application to the Spreadmark Auditor who will undertake a pre-certification audit against the Spreadmark System Standard.

5. If the Auditor finds that the requirements are met the company shall be issued with a signed Spreadmark Company Certification Certificate, with the expiry date noted, and will cause the register of Spreadmark Certified Companies to be amended.

If the Auditor does not consider the requirements of the Spreadmark Code to be met then the applicant company will be advised in writing of improvements that need to be made.

6. The period of certification will normally be for a period of two years, but a shorter period may be applied. This will occur if companies have systems that are not fully in conformance. The term would depend on the severity of the non-conformances. In this circumstance the Auditor may also recommend conditional certification. Companies may elect to have [additional special audits](#Frequency) at their own cost.

**Spreading UNIT Testers Protocol**

**Scope**

This protocol sets out the role and responsibilities of Spreadmark Approved Spreading Unit Testers for the pattern testing of spreading units.

**Approval Policies**

1. The authority to approve Spreadmark Approved Spreading Unit Testers is held by the Fertiliser Quality Council Executive Committee and anyone acting under their delegated authority.
2. The term of approval shall be for a term of two years or any other term that the Fertiliser Quality Council Executive Committee determines.
3. Spreadmark Approved Spreading Unit Testers shall be appropriately qualified and should be able to display practical experience relevant to the agricultural aviation and/or groundspread industry.
4. The register of Approved Spreading Unit Testers, by name, will be held by the Executive Director of the Fertiliser Quality Council or their nominee. All applications to alter the terms of an Approved Spreading Unit Tester’s approval must be made in the first instance to the Executive Director.
5. A Spreadmark Approved Spreading Unit Tester shall be capable of managing spreader unit testing, but who is also able to maintain the integrity of the Spreadmark Spreading Unit Testing process.
6. Any complaint about an approved Spreadmark Spreading Unit tester must in the first instance be made to the Executive Director for resolution.

**Approval Processes**

1. Upon receipt of a request to become a Spreadmark Approved Spreading Unit Tester the Executive Director shall forward the application to the Spreadmark auditor who will, without undue delay, contact the applicant to arrange a suitable time for an audit of their spreading unit, processes, and software to evaluate whether they comply with the requirements of this Code.
2. The auditor shall report their findings and recommendations to the Executive Director who shall seek approval from the Executive Committee of the Fertiliser Quality Council for the applicant to be added to the register of Approved Testers for aerial and/or ground operators, unless they have delegated authority. Upon approval the applicant shall be advised that they are able to carry out pattern testing and certification for the Spreadmark programme and that their name will be added to the register of Approved Spreading Unit Testers.

**Spreader Company/Operator Contacts**

1. The Executive Director shall make available the list of Spreadmark Approved Spreading Unit Testers to all Spreadmark registered companies and to spreading companies that have applied to the Executive Director for Spreadmark certification. All Spreadmark Approved Spreading Unit Testers shall offer Spreadmark testing services to all Spreadmark registered companies or companies seeking Spreadmark certification.
2. Spreadmark registered companies or applicants for Spreadmark Certification may select the services of any Spreadmark Approved Spreading Unit Tester at a testing fee to be fixed between the parties.

**Spreadmark Spreading Unit Testing**

1. All testing done by Spreadmark Approved Spreading Unit Testers for Spreadmark purposes shall be done in accordance with the current Spreadmark Code of Practice test standard.
2. All Spreadmark Spreader Performance Certificates shall be on a form approved by the Spreadmark Executive Director.
3. Spreadmark Approved Spreading Unit Testers shall only generate certificates with the Spreadmark name or logo on them for nutrient spreading companies which hold, or which have applied to hold Spreadmark company certification.
4. Spreadmark Approved Spreading Unit Testers shall, on request and without fee, provide spreader test data to the Executive Director if the information is sought for research purposes or to resolve disputes.
5. Following Spreadmark spreader unit testing, the Spreadmark Approved Spreading Unit Tester shall generate a completed Spreadmark Spreader Performance Certificate for their client company. A copy of this Performance Certificate shall be sent to the Spreadmark Auditor for review and to enable the Spreader Database to be updated.

**Audits**

1. The Spreadmark Approved Spreading Unit Tester shall be subject to regular audit by the Spreadmark auditor. The audit shall determine whether the standards specified in the Spreadmark Code of Practice are being maintained. The Spreadmark auditor shall make available the results of the audit to the Fertiliser Quality Council Executive Director.
2. If in the opinion of the Spreadmark auditor the Spreadmark approved specifications are not being met, the Executive Director shall require the Spreadmark Approved Spreading Unit Tester to provide an explanation within ten days. If the matter cannot be resolved the Executive Director may suspend the Spreadmark Approved Spreading Unit Tester from Spreadmark testing.
3. The Spreadmark auditor may be asked to conduct an audit of the Spreadmark Approved Spreading Unit Tester if requested by the Executive Director following any complaint.
4. In all matters in dispute the decision of the Executive of the Fertiliser Quality Council will be binding on the parties.

**Disputes**

1. Disputes that may arise between Spreadmark registered or applicant companies and Spreadmark Approved Spreading Unit Testers shall be managed according to the [Spreadmark Disciplinary and Certification Procedure](#Discipline)

Click here <https://fertqual.co.nz/resources/> to apply to become a tester and view the current list of Approved Spreadmark Testers.

# TRAINING FOR NUTRIENT APPLICATORS

**Spreader Operator Training Principles**

**1. Philosophy**

The Fertiliser Quality Council is committed to the implementation of the Spreadmark Code of Practice and to that end has supported the development of a training syllabus for groundspread operators to assist with the successful achievement of the programme’s objectives. The Council believes that the successful achievement of the objectives of the Code is dependent on sound knowledge and understanding of the placement of nutrient in New Zealand, and that through training of groundspread operators such knowledge and understanding will be gained.

*Note: All pilots and UAV operators are required to hold an agricultural rating with a topdressing endorsement in accordance with CAA Rule Part 61 Advisory Circular AC061-15* [*https://www.aviation.govt.nz/assets/rules/advisory-circulars/ac061-15.pdf*](https://www.aviation.govt.nz/assets/rules/advisory-circulars/ac061-15.pdf) *and Rule Part 102 Advisory Circular AC102-01* [*https://www.aviation.govt.nz/assets/rules/advisory-circulars/ac102-1.pdf*](https://www.aviation.govt.nz/assets/rules/advisory-circulars/ac102-1.pdf)

**2. Methodology**

Training outcomes for groundspread operators have been determined based on the material contained in the Spreadmark Code of Practice. The training outcomes are focused on developing the understanding and knowledge required by competent operators in the activity of spreading nutrients.

The material used is structured to suit a wide range of operators with varying levels of knowledge and understanding. In all training activities, the emphasis is on technically sound information and direction, and all essential information will be presented in clear, concise terms and supported by illustrative material and practical aids.

Records of operator training shall be kept by the Spreadmark certified company and made available to the Executive Director of the Fertiliser Council or their nominee on request.

**3. Approval**

Courses which the Fertiliser Quality Council accepts as meeting the operator training requirements of the Spreadmark Code of Practice are listed on the website of the Fertiliser Quality Council <https://fertqual.co.nz/resources/>

**4. Competency**

Competency will be assessed at a number of points during the training using a range of appropriate instruments including:

* Written tests
* Multi-choice questions
* Non-verbal graphical interpretation
* Workshop activities
* Verbal recording
* Practical tests
* On-line tests

The assessment methods will support and enhance the training with provisions having been made to identify at an early stage those participants who may require extra assistance to achieve the training outcomes.

Each participant will be required to reach a minimum level of competency in all aspects of the training programme in order to achieve certification.

Any person failing to meet the required standard will be advised of the areas of concern and given further coaching and re-tested to ensure they achieve the required standard.

**5. Admission requirements**

The Fertiliser Quality Council encourages all persons actively involved in, associated with, or interested in the placement of nutrient products in New Zealand to be trained in the requirements of the Spreadmark Code of Practice. To facilitate this there should be no limitations of prior learning or employment placed on people entering this training.

**6. Certification**

Certification is only available after the successful completion of an approved training course by a registered provider. This includes all on-course activities and evaluation tasks, and any pre- and/or post-course activities.

**Spreader Operator Training Syllabus**

**Scope**

This material describes the outcomes sought of an operator training programme to be acceptable as suitable training for operators involved in the Spreadmark scheme. The purpose of the training is to ensure that nutrient spreading unit operators are competent.

**Outcomes of Training**

The competence of nutrient spreading unit operators is ensured by them completing a training course with the following training outcomes:

**1. Nutrient knowledge**

This will involve a basic knowledge of nutrients including lime.

* Types.
* Safety Data Sheets.
* Factors which could lead to problems e.g. mixes of products with very different particle sizes (SGN) or incompatible mixes.
* How the bulk density (BD), SGN and uniformity index (UI) of various products interact and affect how well various products can be spread.
* How to measure SGN and BD with a sieve box.

**2. Spreader skills**

The operator skills relating to spreaders are:

* Consequences of poor spreading (agronomic and environmental), awareness of the influence of wind.
* Choosing an appropriate bout width (BW) for particular loads of product.
* Interpreting information to be able to know what settings on spreading units are needed for various products and product characteristics in order to achieve the correct application and BW.
* Adjusting spreader units.
* Factors affecting the performance of the machine over time (build-up).
* Handling spillages.
* Being able to operate to a particular bout width.
* Managing risk if the operator has responsibility for that.

**Skills specific to aerial spreaders**

* The pilot of any aircraft and UAV operators shall hold a current agricultural pilot topdressing rating and chemical rating (if applicable) to apply nutrients by air;

Note

*CAA Advisory Circular AC 61 – 1.15 provides information on the training syllabus content that is acceptable to the Director for meeting the Civil Aviation Rule requirements for the issue of an Agricultural Rating. This Advisory Circular relates specifically to Civil Aviation Rule Part 61 Subpart O – Agricultural ratings.*

*CAA Advisory Circular AC102-1 provides information for the requirements of a Part 102 certificate and qualifications acceptable to the Director for agricultural operations undertaken by UAV’s.*

**3. Communication skills**

Sufficient communication skills with farmers to ensure that the nutrient is applied in the correct place and that local hazards are identified.

**4. Environmental awareness**

An awareness of the consequences for stock health and the environment from the application of nutrients, along with actions that can mitigate these consequences contained in various documents, for example those listed on the Ministry for Primary Industries website <https://www.groundrules.mpi.govt.nz/>

A link to the Groundspread Nutrient Application for Primary Industry Micro-credential can be found here: <https://www.nzqa.govt.nz/nzqf/search/viewQualification.do?selectedItemKey=4914>

Unit standards relevant for Spreadmark Training providers from within this micro-credential are listed here:

* Unit Standard 19370: **Demonstrate knowledge of the Spreadmark Code of Practice as it applies to nutrient application.**
  + [Framework search results (nzqa.govt.nz)](https://www.nzqa.govt.nz/framework/search/results.do?type=UNIT&query=19370)
  + [19370.pdf (nzqa.govt.nz)](https://www.nzqa.govt.nz/nqfdocs/units/pdf/19370.pdf)
* Unit Standard 19372: **Describe the environmental implications of applying nutrients and associated activities.**
  + [Standard 19372 (nzqa.govt.nz)](https://www.nzqa.govt.nz/ncea/assessment/view-detailed.do?standardNumber=19372)
  + [19372.pdf (nzqa.govt.nz)](https://www.nzqa.govt.nz/nqfdocs/units/pdf/19372.pdf)
* Unit Standard 19373: **Demonstrate knowledge of nutrients, and the implications for handling and applying nutrients.**
  + [Standard 19373 (nzqa.govt.nz)](https://www.nzqa.govt.nz/ncea/assessment/view-detailed.do?standardNumber=19373)
  + [19373.pdf (nzqa.govt.nz)](https://www.nzqa.govt.nz/nqfdocs/units/pdf/19373.pdf)
* Unit Standard 19374: **Describe nutrient applicators and nutrient application and operate nutrient-application machinery efficiently.**
  + [Framework search results (nzqa.govt.nz)](https://www.nzqa.govt.nz/framework/search/results.do?type=UNIT&query=19374)
  + [19374.pdf (nzqa.govt.nz)](https://www.nzqa.govt.nz/nqfdocs/units/pdf/19374.pdf)
* Unit Standard 28782: **Apply nutrients in a primary industry setting.**
  + [Framework search results (nzqa.govt.nz)](https://www.nzqa.govt.nz/framework/search/results.do?type=UNIT&query=28782)
  + [28782.pdf (nzqa.govt.nz)](https://www.nzqa.govt.nz/nqfdocs/units/pdf/28782.pdf)
* Unit Standard 19048: **Apply nutrients using mounted or trailed equipment.**
  + [Standard 19048 (nzqa.govt.nz)](https://www.nzqa.govt.nz/ncea/assessment/view-detailed.do?standardNumber=19048)
  + [19048.pdf (nzqa.govt.nz)](https://www.nzqa.govt.nz/nqfdocs/units/pdf/19048.pdf)

The 4 Rs of nutrient stewardship is an internationally recognised framework to achieve goals such as increased production, increased farmer profitability, enhanced environmental protection and improved sustainability. Providers of Spreadmark Training should be cautious about selecting unit standards outside of the recommended list above. Spreadmark Training shall focus on the 4 Rs of nutrient stewardship as outlined in the Spreadmark Code of Practice and no other areas of a spreading business which are already governed by New Zealand law to retain their licence to operate.

**Spreadmark Auditor protocol**

The role of the auditor is to provide an independent assessment of whether the requirements described in this Code are complied with. In doing so they provide a crucial role in underpinning the credibility of the Spreadmark label. This credibility is critical in providing customers, regulators and the community, assurance that nutrients are being applied in accordance with the standards described in the Spreadmark Code of Practice.

Spreadmark companies are encouraged to carry out their own internal auditing on a regular basis – a form that can be used for that is attached as Appendix A

1. **Scope**

This protocol sets out the roles and responsibilities of the Auditor for the nutrient groundspreading industry.

**2. Appointment**

2.1 The Auditor shall be nominated by the Fertiliser Quality Council Executive Committee, and that appointment shall be approved by the Fertiliser Quality Council, for such a term as the Executive Committee shall determine. This decision will be taken in consultation with Groundspread NZ.

2.2 The Auditor shall have received appropriate auditor training and shall be familiar with the nutrient spreading industry.

2.3 The Auditor cannot also be a Spreading Unit Tester as it is important that the functions of the certification testing of spreading units and auditing be kept entirely separate.

**3. Company contacts**

3.1 The Auditor shall maintain a register of nutrient spreading companies and nominated company contact people. The nominated company contact people shall be the primary points of contact for the Auditor with the company.

**4. Notification**

4.1 The Auditor will be notified by the Executive Director each time a valid application for Spreadmark company certification is received.

4.2 The Auditor will negotiate with the applicant nutrient spreading company contact person for a suitable time to conduct the audit.

**5. Audits**

5.1 During audits the Auditor shall assess the nutrient spreading company quality system and records. The standard used for the audit will be the Spreadmark System Standard and other relevant parts of the Code. The audit will focus on outcomes and evaluate whether or not they are being achieved. A pre-audit information pack including an internal audit checklist and the checklist used by the auditor is available here <https://fertqual.co.nz/resources/>

5.2 After the audit is complete a site audit report will be sent to the nominated company contact person. It will include a summary of findings and a statement of the extent to which the company systems and practices meet the Spreadmark Code of Practice.

**6. Audit frequency**

6.1 Spreadmark audits will initially be carried out one year from the date of certification and then on a two–yearly basis.

6.2 The Auditor may determine that an increased audit frequency (normally annual) is appropriate if there are significant non-conformances or complaints against the company are sustained. An example of a significant non-conformance would be a failure to have 75% of the spreading fleet holding current Spreadmark certification.

6.3 If there are no significant non-conformances at two successive audits the certification period will be increased to three years. This provision only applies where the annual self-check audit has been done and retained for the auditor.

6.4 Supplementary audits may be initiated or authorised by the Executive Director on an irregular basis and with a relatively short period of notice. Supplementary audits may include the check testing of spreading units. The principle focus of supplementary audits will be:

* + Companies which do their own testing,
  + Companies where there were material issues at the previous audit (including excessive slowness at clearing audit conditions),
  + Companies which are the subject of a complaint or where there is reason to suspect that Spreadmark standards may not be being adhered to.

Supplementary audits will be paid for by the Fertiliser Quality Council.

**7. Status reports**

7.1 The Auditor will produce a status report with the name and address of each registered company.

7.2 The auditor will produce an additional report showing the information above plus a description and certification expiry date of each spreading unit.

7.3 The status reports shall be supplied to the Executive Director on a monthly basis or within ten working days of it being requested.

**8. Records**

8.1 The Auditor shall maintain proper records. These records will include audit reports, status reports and correspondence.

8.2 Records, or copies of records, shall be supplied to the Executive Director upon request and in accordance with the Spreadmark Confidentiality Protocol.

**9. Confidentiality**

9.1 With the exceptions noted below, the Auditor will not communicate information about any nutrient spreading company to anyone other than the company itself through its nominated contact person or the Executive Director. Requests for information are to be referred to the Executive Director.

9.2 The following information about nutrient spreading companies may be supplied to the Executive Director:

* + The names of companies that meet Spreadmark requirements, the nominated contact people and their contact details (The Spreadmark Company List).
  + The expiry date of Spreadmark company certification certificates.
  + Vehicle certification information.
  + The number of trained drivers in each Spreadmark registered company.

9.3 All information held by the Auditor on a company is to be made available to that company on request by the nominated company contact person.

9.4 For further information refer to the Spreadmark Confidentiality Protocol.

**10. Decertification**

The Spreadmark certification of a nutrient spreading company may be withdrawn or not renewed when any of the conditions outlined below are met:

* A recommendation to do so is received from the Fertiliser Quality Executive Committee, or
* The nutrient spreading company operating systems do not meet the

Spreadmark System Standard as determined by the Spreadmark Auditor and the breach has not been remedied within the specified time.

### 11. Certification of Groundspread Testers

The Fertiliser Quality Council has delegated responsibility to the auditor for the approval of groundspread certification testers, oversight of the testing programme, the review of test reports, and the registering of test results.

Spreaders are required to periodically test ground spreader performance and are required to present current Spreadmark Spreader Performance Certificates to the auditor. The auditor must ensure that:

* Test reports are from a tester registered with the Fertiliser Quality Council.
* Tests are performed and reported in accordance with the technical specifications contained in booklets two and three.

**Spreadmark Confidentiality protocol**

**Scope**

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

**Confidentiality of information**

1. Once a nutrient application contractor receives Spreadmark certification, their details will be published <https://fertqual.co.nz/resources/>
2. 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 Director, or their delegation, about certifications, de-certifications, and amendments.
* Requests from 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:

1. when a company is not meeting the requirements of Spreadmark certification as advised by the Auditor;
2. when there is controversy or confusion; or
3. when general operational matters are under review.
4. All information held by the Auditor relating to a company is available to that company.
5. If a nutrient application company chooses to withdraw from the Spreadmark certification scheme then the Fertiliser Quality Executive Committee reserves the right to publish that the company no longer holds Spreadmark certification.
6. If the nutrient application company is deregistered by the Fertiliser Quality Executive Committee then this committee reserves the right to publish that the company has been de-certified and may make public the reasons why that certification is no longer held.

**Spreadmark code of conduct for advertising and promotion**

**Scope**

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

**Code of conduct**

1. Compliance with this Code of Conduct is a condition of ongoing certification or association with the Spreadmark scheme.

2. As per the New Zealand Advertising Standards Code https://cdn.asa.co.nz/wp-content/uploads/2022/11/ASA-Advertising-Standards-Code.pdf all advertisements pertaining to Spreadmark must be responsible advertisements. All advertising must be legal, decent, honest and truthful and respect the principles of fair competition, so that the public can have confidence in advertising. i.e. Methods of marketing must never be such as to invite unfavourable comment or bring discredit upon either the nutrient manufacturing or spreading industries or upon other Spreadmark registered companies. These precepts are embodied in the detailed provisions of the Code as set out hereunder.

3. This Code is administered by the Fertiliser Quality Council Executive Committee. Complaints relating to alleged breaches of this Code of Conduct shall follow the [Spreadmark Procedure for Complaints](#Complaints).

4. The Code entitles companies to use the Spreadmark logo in specific ways – refer Brand Guidelines found here <https://fertqual.co.nz/resources/>. Services must not be marketed with any direct or indirect reference to Spreadmark unless they comply with all relevant statutory legislation and Spreadmark requirements.

. When nutrient spreading companies use spreading units that do 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 certification covers such units or operators.

6. 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.

7. 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 it 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.

**Spreadmark levy** **– PARK FOR LATER**

**Scope**

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

**Levy policy**

1. The Levy covers promotion, the use of the brand, administration………….

2. The Spreadmark budget will be set by the Fertiliser Quality Council on an annual basis as part of the setting of the Spreadmark budget. Once the budget is set this will be used to determine the Spreadmark levy.

3. The levy will be invoiced 12-monthly.

**Spreadmark Policy on Company Mergers**

**Scope:**

This policy relates to the situation when Spreadmark registered companies acquire other companies.

**Company Mergers:**

1. First step is to contact the Executive Director of the Fertiliser Quality Council.
2. When a Spreadmark registered company acquires another spreading company and separate company identities are maintained for both companies, the companies must have separate Spreadmark certifications.
3. When a Spreadmark registered company acquires another spreading company and the acquired company disappears from view and is managed by the acquiring company, then the companies can merge their Spreadmark certifications.

**SPREADMARK PROCEDURE FOR COMPLAINTS**

**Scope**

This is the procedure for the making and resolving of complaints laid by one Spreadmark registered company against another in respect to an alleged breach of any Spreadmark rule.

It is also the procedure for farmers or growers or nutrient companies who wish to use the Spreadmark Scheme as a means of complaining about poor practice.

**Complaints procedure where the complainant is a Spreadmark registered spreading company or a Fertmark registered 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 contacted 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 comply 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 registered company**

1. Before making a formal approach to the Fertiliser Quality Council 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.

**Spreadmark disciplinary and decertification procedure**

**Scope**

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

1. The sanctions that the Fertiliser Quality Council 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 which may mislead nutrient users.
2. Where in the opinion of the Executive Director, there is 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 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 Defendant member shall be advised in writing by registered mail and by fax of the proposed publicity and be given at least 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 either of the Parties are unwilling to accept the decision of the Executive Committee made under clause 5, they may appeal that decision to a sole arbitrator.
8. The appeal will take place pursuant to the Arbitration Act 1996, save that clauses 4 (determination of preliminary point of law) and 5 (appeals on questions of law) of Schedule 2 shall not apply. The place of arbitration shall be Wellington, New Zealand. The jurisdiction of the sole arbitrator will be limited to questions of law and procedural fairness. The sole arbitrator may, in its discretion, vary, revoke or remit a decision of the Executive Committee only in the event (and to the extent) that the sole arbitrator concludes that the Executive Committee has made an error of law or has acted in a procedurally unfair manner.
9. Any appeal must be lodged by the appellant serving a notice of appeal on the other Party and the Fertiliser Quality Council (naming both entities as respondents to the appeal), within fourteen (14) days of the date on which the decision appealed against was communicated to the appellant. The notice of appeal must specify the grounds of the appeal in sufficient detail to identify the issues raised by the appeal.
10. Within seven (7) further days, the other Party and the Fertiliser Quality Council must each indicate whether they intend to oppose the appeal, in which case they must do so by serving on the appellant and the other Party or the Fertiliser Quality Council (as the case may be) a notice of opposition to the notice of appeal.
11. The appellant and (provided they have filed a notice of opposition) the other Party and the Fertiliser Quality Council shall endeavour to jointly agree upon the identity of a sole arbitrator. If they cannot jointly agree within seven (7) days following the service of the notice of opposition, any party to the appeal may request the President of the Arbitrators’ and Mediators’ Association of New Zealand to appoint the sole arbitrator.
12. Within fourteen (14) days following the service of the notice of appeal, the Fertiliser Quality Council must make available to all Fertmark registered companies [and members of the Fertiliser Quality Council] a copy of the notice of appeal and, if applicable, a copy of any notices of opposition to the appeal.
13. Within seven (7) further working days, any Fertmark registered company [or member of the Fertiliser Quality Council] which considers itself affected may elect to join the appeal as a third party by serving on the parties to the appeal a notice of third party joinder. Any such notice must specify that entity’s interest in the issues raised by the appeal and the position of the entity in respect of those issues. All Fertmark registered companies [and members of the Fertiliser Quality Council] agree and accept that a third party shall have no right to appoint the sole arbitrator. The nature and extent of a third party’s participation in the arbitration proceedings shall be determined by the agreement of all parties to the appeal or, failing this, by the sole arbitrator.
14. To the extent practicable, the appeal shall proceed expeditiously with the objective of the sole arbitrator producing a short written and reasoned decision within four (4) months of the date of the notice of appeal.
15. The decision of the sole arbitrator shall be final and no party (including any third party) shall challenge, or seek appeal or review of, such decision, save under article 34 of Schedule 1 of the Arbitration Act 1996.
16. Any costs incurred in this Disciplinary Procedure will lie where they fall.

**Decertification**

The Spreadmark certification of a nutrient spreading company may be withdrawn or not renewed when any of the conditions outlined below are met:

* A recommendation to do so is received from the Fertiliser Quality Council Executive Committee, or
* The nutrient spreading company operating systems do not meet the Spreadmark System Standard as determined by the Spreadmark Auditor and the breach has not been remedied within the specified time.

**TRANSITIONAL ARRANGEMENTS**

**For ground spreaders, responsibility for:**

1. Maintaining a system that records delegation of responsibility.
2. Requiring operators to provide electronic proof of placement via GPS tracking.
3. Identifying environmental risks.
4. Measuring or estimating wind speed and direction.
5. Documenting location of buffer zones.

**For nutrient suppliers, responsibility for:**

1. Recipe of all components in a mix and the ratio or percentage of inclusion. Where appropriate, this shall include a Safety Data Sheet
2. Nutrient compatibility;
3. Identifying product precautions, storage life and any special requirements;
4. Ensuring all the above are clearly communicated to the operator or nutrient owner.

**For aerial spreaders, responsibility for**:

1. Including the maximum spread width achieved on the Aerial Pattern Test Certificate (if required);
2. Normal operating speed over collectors during test conditions;
3. Height above ground level during test conditions between 100 and 120 feet.