

Heavy Vehicle Transport Off-Farm Grain Carriers' Code of Practice

Mass, Dimension, Load Restraint and Fatigue

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DISCLAIMER

This Chain of Responsibility Code of Practice sets out the broad standards for the Heavy Vehicle Grain Carrying industry regarding the transportation of grain on heavy vehicle so as to comply with the Compliance and Enforcement (C&E) Chain of Responsibility legislation. In jurisdictions that have C&E legislation that provides for Codes of Practice, compliance with this Code of Practice may help establish a prima facie Reasonable Steps Defence under the C&E legislation.

While every effort has been made to provide accurate and up to date information in this Code, SARTA, Viterra and SAFF take no responsibility for any error, omission or defect in this Code and exclude all liability (whether in negligence or otherwise) for any loss or damage (including consequential loss or damage, and any penalties imposed) suffered or incurred, directly or indirectly, by any person or company acting in reliance on all or any part of this Code.

1.0 PURPOSE

As signatories to the Heavy Vehicle Transport Grain Carriers' Code of Practice, participants recognise and accept their responsibilities in the grain industry Supply Chain. In addition, Chain of Responsibility legislation is being implemented across Australia through the:

1. National Transport Commission - **Road Transport Reform (Compliance and Enforcement) Bill 2003 Model Provisions**;
2. Statutes Amendment (Road transport Compliance and Enforcement) Act 2006 in South Australia
3. The Road Traffic Act, No. 3 1961 South Australia and associated Regulations
4. The Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008 in South Australia
5. Emerging relevant legislative developments in other states and territories.
6. **National Load Restraint Guide** (Guidelines and performance standards for the safe carriage of loads on road vehicles) – Second Edition [2004]

The legislation imposes liability for Heavy Vehicle Mass, Dimension and Load Restraint offences on all people and/or businesses whose **actions, inactions** or **demands** influence conduct on the road as well as on-road parties such as Drivers and Carriers.

The purpose of this document is to provide guidance to all participants in the Chain of Responsibility involved in the transportation Grain Products by heavy vehicles off farms, in relation to:

1. Controlling, managing, operating and auditing the Chain of Responsibility of Heavy Vehicle road transport freight movements; and
2. Complying with the Chain of Responsibility legislation.

The Code is not designed to replace any obligations arising from Chain of Responsibility legislation. The aim of this Code is to:

1. Minimise the risk along the Chain of Responsibility associated with grain freight movements;
2. Help the grain industry comply with Chain of Responsibility legislation; and
3. Enhance participants' capacity to demonstrate a Reasonable Steps Defence under the Chain of Responsibility legislation.

In adopting this Code, each Grain Industry participant shall be individually responsible for implementing within their own business the necessary systems, procedures, and processes to achieve the purpose of the Code.

2.0 SCOPE

This Code encompasses practices in relation to:

1. Packing, loading, consigning, scheduling, carrying, driving and receiving activities along the Supply Chain;
2. Load restraint; and
3. Heavy Vehicle load mass and dimension.

Whilst the Code is principally about the above matters, to assist its users it also includes some limited reference to:

4. Heavy vehicle driver fatigue management.

This Code applies to all participants and their employees who have direct or indirect involvement in the Supply Chain and all Sites under the control of Participants.

3.0 REFERENCES: The various legislation referred to in Section 1.

4.0 DEFINITIONS

Administrator: the South Australian Road Transport Association, administers the Code as set out in Section 9.1 on page 13.

Carrier means a person / business transporting grain freight by means of a Heavy Vehicle. Carrier encompasses Prime Carriers, Self-employed Carriers, Subcontract Carriers and Customer Pickups.

Chain of Responsibility (“CoR”) means the allocation of responsibility along the Supply Chain.

Consignee means a person who carries on business to which a consignment of freight is to be delivered.

Consignor means a person who carries on business from which a consignment of freight originates.

C&E Guidelines means a document(s) on Chain of Responsibility requirements; including load restraint, heavy vehicle load mass and dimension.

Driver means a person who drives a Heavy Vehicle.

Fit For Duty: means that the driver of a Heavy Vehicle is not apparently unfit for the safe performance of their duties due to the loss or impairment of any mental or physical faculty by fatigue.

Good Practices means actions/behaviour recommended for preferred outcomes that are not Key Criteria.

Grain Grower: means the farmer responsible for growing the grain on any given farm.

The **Group** is the Grain Carriers Code of Practice Group as described in Section 9.1 at page 13.

Harvester Operator: means the person operating the harvest machinery on a farm.

Heavy Vehicle means a motor vehicle or combination with a Gross Vehicle Mass (“GVM”) over 4.5 tonnes in relation to Driver fatigue and over 12 tonnes in relation to Mass, Dimension and Load Restraint

Incident means a risk or an outcome where harm or damage has been or could be done to people, plant, infrastructure, property or the environment by reason of a breach of the Chain of Responsibility legislation.

Key Criteria means actions or behaviour that Participants **need to demonstrate** in order to comply with this Code.

Loader means a person who loads, manages or supervises the loading of freight or containers for transport by road onto a Heavy Vehicle.

Off-Farm Loading: means the loading of grain onto a Heavy Vehicle on a farm where an on-farm weighbridge is not available.

Packer means a person who places items in packages, containers or on pallets for consolidation or streamlining processes for later freight movement.

Participant means any business in the Grain Industry operating under this Code of Practice.

Reasonable Steps Defence means in relation to an allegation that a Participant breached Chain of Responsibility legislation:

1. That the person did not know, and could not reasonably be expected to have known, of the breach; **and** either:
2. That the person had taken all reasonable steps to prevent the breach; **or**
3. There were no steps that the person could reasonably be expected to have taken to prevent the breach.

Receiver means a person who takes physical receipt of transported grain at the end of the Supply Chain.

Shall means ‘must’.

Scheduler means a person who has the responsibility for allocation of freight task assignment times along the Supply Chain.

Site means an area of owned or leased property where a Participant has overall management control.

Site Manager means a Manager in charge of an individual Site at a given location.

Supply Chain means the transport logistics chain, encompassing packing, loading, consigning, scheduling, carrying, driving and receiving.

5.0 RISKS

There are four main categories of risk in breaching Chain of Responsibility obligations. These are:

1. Harm or damage to people, plant, property or the environment;
2. Additional cost or lack of productivity;
3. Loss of reputation or other public opinion; and
4. Legal liability (eg. fines, or penalties or prosecutions).

6.0 KEY AREAS OF RESPONSIBILITY

Participants will need to take reasonable steps to prevent a breach of Chain of Responsibility legislation occurring, including adapting existing business systems to better address the requirements of this Code.

The Participants' own systems should specify what must be done and by whom in accordance with the principles in the following tables which set out the key responsibilities of the various parties. The extent of any training or other action required by a Party in relation to each of their responsibilities for an issue in the following tables is proportional to the extent of that Party's role and responsibility on that issue.

In addition, Participants should establish and implement within their own systems effective procedures for recording, resolving and closing-out non-conformances and complaints, including community complaints and issues identified following incidents and during reviews.

Loader (Loading / Packing Crews)	Consignor (Including Transport Coordinators)	Carrier (Including Transport Contractor / Operator)	Driver (Heavy Vehicle)	Receiver (Consignee)
Key Area Responsibility No. 1 – <u>LOAD RESTRAINT</u> As per each Participant's systems for managing Load Restraint but as a minimum:				
Load grain products in accordance with the Load Restraint Guide.	Ensure that transport operators contracted by the consignor utilise systems and practices to meet Load Restraint requirements of the C&E laws, including compliance with the Load Restraint Guide. Not require or allow transport operators to use non- C&E compliant practices; including through contractual arrangements. Accommodate truck operators' fleet management C&E obligations.	Utilise systems, procedures, facilities and training to meet the Load Restraint requirements of C&E laws, including compliance with the Load Restraint Guide. Use appropriate Heavy Vehicles and equipment to meet load restraint C&E legal obligations.	Restrain loads in accordance with the carrier's load restraint procedures and the requirements of CoR, including compliance with the Load Restraint Guide. Report C&E non-conformances to the carrier and resolve issues with Site Managers, Consignors and / or Prime Carriers.	Provide systems, procedures, facilities and training to meet the Load Restraint requirements of C&E laws by the Consignee and delivering transport operators. Not require or allow transport operators to use non- compliant practices, including through contractual arrangements. Accommodate truck operators' fleet management C&E obligations.

The Paddock Mass Loading Procedure set out on page 8 only applies to operations under the Statutory Mass Limits and does NOT apply to the Higher Mass Limits Scheme or Concessional Mass Limits Scheme.

Loader (Loading / Packing Crews)	Consignor (Including Transport Coordinators)	Carrier (Including Transport Contractor / Operator)	Driver (Heavy Vehicle)	Receiver (Consignee)
Key Area Responsibility No. 2 – <u>VEHICLE LOAD MASS & DIMENSION</u> As per each Participant’s systems for managing Heavy Vehicle Load Mass and Dimension but as a minimum:				
<p>Place the load on the truck as directed by the Driver, except where likely to result in a C&E breach.</p> <p>If the route for the grain transport is not Gazetted, ensure transport operators have required RAV Permits.</p> <p>When loading grain in a paddock, make a genuine and reasonable effort to ensure that each load does not exceed Statutory Mass Limits and to ensure all loads are legal following the first 3 loads from that paddock on each truck each day, by using the Paddock Mass Loading Procedure set out in this Code.</p>	<p>Ensure that transport operators contracted by the consignor utilise systems and practices to meet Mass and Dimension requirements of the C&E laws.</p> <p>Accommodate truck operators’ fleet management C&E obligations.</p> <p>Check if the route for the grain transport is Gazetted. If not, ensure transport operators have the required RAV Permits.</p> <p>Farm-based consignors must ensure that drivers carting grain from a given paddock, attain legal loading mass within the first 3 loads from that paddock on each truck each day as per the Paddock Mass Loading Procedure set out in this Code.</p>	<p>Utilise Heavy Vehicles that are appropriate for the task and which can legally perform the task on the legally available routes in accordance with mass/dimension limits and Gazette or Permit requirements.</p> <p>Ensure all of the Carrier’s truck drivers know the GVM and tare capability of the truck they operate and that documentation to verify axle loadings for that truck is available.</p> <p>Ensure drivers carting grain from a paddock, make a genuine and reasonable effort to ensure that each load does not exceed Statutory Mass Limits and ensure that all loads are legal following the first 3 loads from that paddock on each truck each day, by using the Paddock Mass Loading Procedure set out in this Code.</p>	<p>Inform Loader re legal Mass Limits and where to place the freight on truck to meet mass laws.</p> <p>Comply with the Carrier’s Mass and Dimension procedures and ensure that the Permits are in the truck if the route is not Gazetted.</p> <p>Report non-conformances to the Carrier and resolve issues with loaders, Consignors and Prime Carriers.</p> <p>If carting from a paddock, make a genuine effort to ensure each load does not exceed Statutory Mass Limits and all loads are legal after first 3 per day per truck per paddock; use the Paddock Mass Loading Procedure</p> <p>Follow reasonable instructions if an overload is detected.</p>	<p>Not require or allow transport operators to use non-compliant practices.</p> <p>Accommodate truck operators’ operational C&E obligations.</p> <p>If the receiving site is not on a Gazetted route, ensure the required RAV Permits are held by the operator.</p> <p>When receiving grain from the paddock, provide the truck driver with accurate details of the mass of each load to enable them to attain legal loading mass within the first 3 loads from a paddock on each truck each day in accordance with the Paddock Mass Loading Procedure.</p>

Paddock Mass Loading Procedure: In view of the difficulties of achieving precise Mass Loadings of grain in the paddock, for example due to the variable water/starch content from day to day and/or the often uneven terrain which renders onboard weighing systems largely ineffective, the following procedure has been developed to enable road transport operators and other parties in the Chain of Responsibility to achieve C&E Mass Limit compliance:

1. When loading the first load on each truck from a given paddock on a given day, the truck driver is to direct the operator of the loading equipment about the volume of grain to load with the intention of achieving a load **within legal Mass Limits** for that vehicle on the route it will travel when delivering the grain.
2. The loader operator is to follow the driver's directions when loading the truck.
 - a. **The Driver and Loader MUST** make reasonable efforts to avoid overloading.
 - b. Substantial C&E Breaches (5% to 19.9%) may still lead to prosecution and Severe Breaches (20% or more) will be prosecuted.
 - c. This is because all Severe breaches would have been obvious and any significant Substantial breaches would also have been obvious and under the C&E laws it is an offence if the person **knew or reasonably ought to have known** about the breach.
 - d. Demonstrated compliance with this Code and paddock-mass-loading procedure can not be relied upon as a Reasonable Steps Defence against Mass breaches in the Substantial and Severe category.
3. The Grain Receiver is to provide accurate information about the weighed mass of the load to the driver at the point of delivery, including where practicable, details of individual axle loads.
4. The truck Driver is to record the actual Mass of the load at the point of delivery at the grain receiver, or receive a copy of the receiver's information, and to note whether or not the load is within legal limits
5. Based on that information, the truck driver is to assess whether or not any adjustment is required to the volume of grain from that particular paddock on the next load and if so, the Driver and Loader must make a genuine and reasonable effort to achieve a legal load on the next load and in particular:
 - a. The Driver must advise the operator of the loading equipment regarding the required adjustment to the volume in the next load; and
 - b. The Loader must make a reasonable effort to comply with that advice.
6. The driver must make an adequate record of the reasonable and genuine efforts they make to achieve legal loads at each loading. This could for example record that the Driver directed the Loader to lower the height of the next load by 15cm.
7. Steps 2 to 6 are to be repeated for the second and third loads from the paddock on that day.
8. It is recommended that this procedure be used for all loads but after the third load on the truck from a given paddock on a given day, the loads must be fully compliant as this paddock Mass-Loading procedure does not provide a defence against subsequent Mass breaches.

Loader (Loading / Packing Crews)	Consignor (Including Transport Coordinators)	Carrier (Including Transport Contractor / Operator)	Driver (Heavy Vehicle)	Receiver (Consignee)	Load Manager at Grain Receival Facilities
Key Area Responsibility No. 3 – DRIVER FATIGUE As per each Participant’s systems for managing Driver Fatigue but as a minimum:					
<p>Notify Site supervisor when a Driver is perceived as possibly being unfit for duty.</p> <p>Not load any vehicle where it is considered that the Driver is unfit for duty.</p>	<p>By mutual agreement, parties along the Supply Chain should work together to arrive at alternate schedules if original or amended timetables have the potential to result in non-compliant C&E outcomes.</p>				
	<p>Not coerce or place demands or provide incentives monetary or otherwise on Carriers / Drivers that may cause or encourage breaches of the Driving Hours Laws.</p> <p>Ensure that transport operators contracted by the Consignor utilise systems and practices to meet Driving Hours and fatigue management requirements of the C&E laws.</p>	<p>Have in place effective policies to check that assigned Drivers are fit for duty and will be able to complete the task within legal hours.</p> <p>Manage drivers’ working hours in accordance with Driving Hours and fatigue management Regulations.</p> <p>Provide Schedules for Heavy Vehicle working hours that comply with the Driving Hours Laws.</p>	<p>Comply with the Carrier’s driving hours and fatigue management procedures and laws.</p> <p>Advise the Carrier of any breaches of driving hours and fatigue management laws</p> <p>Advise the Carrier and stop the freight task if you are unfit for duty.</p>	<p>Not coerce or place unreasonable demands on Consignors / Carriers / Drivers that may result in breaches of Driving Hours laws.</p> <p>Notify Consignors / Carriers if a Driver appears to be unfit for duty and where applicable, take further action as deemed appropriate.</p>	<p>The Load Managers at grain receival facilities must manage the receipt of grain so as to ensure that the Heavy Vehicle Drivers are able to comply with the Driving Hours Laws and in particular: allow the drivers are able to rest for period that comply with the law; advise the drivers upon arrival of the expected delay before unloading or loading; provide the opportunity, or facilities for rest, if delay will be longer than 30 mins.</p>

7.0 KEY CRITERIA

Within each Participant's systems, Site Managers, Packers, Loaders, Consignors, Schedulers, Carriers, Drivers and Receivers shall all have specific roles and responsibilities reflecting the following Key Criteria, which they **must be able to demonstrate they have met to prove compliance with this Code of Practice**:

No.	Parties Affected	Key Criteria
1.	All	All parties to ensure that their role (inclusive of actions, inactions or demands) in the Supply Chain is compliant with Compliance & Enforcement requirements as outlined in Section 6.0 and does not result in exposure to risks (see Section 5.0).
2.	All	If there is a perceived substantial or severe breach of the Compliance & Enforcement requirements in accordance with Section 6.0, transport of that specific load should not proceed until appropriate measures have been taken to remedy the situation.
3.	All	All perceived breaches of Compliance & Enforcement requirements are to be reported, within a reasonable time of being noticed, to Site Managers, Consignors and/or Carriers as appropriate. Site Managers shall ensure Consignors are aware of reported incidents.
4.	Consignors & Carriers	Consignors and Carriers shall then work together reviewing all reported incidents and instigate remedial action where applicable.
5.	All	Participants to train their employees (that are directly involved in the Supply Chain) in procedures and systems to meet their obligations under Chain of Responsibility legislation.

8.0 GOOD PRACTICES

In meeting the key areas of responsibility outlined in Section 6.0, each Participant's systems should include measures as outlined in the table below:

Intent	Loader (Loading / Packing Crews)	Consignor (Including Transport Coordinators)	Carrier (Including Transport Contractor / Operator, excluding Customer Pickups)	Driver (Heavy Vehicle)	Receiver (Consignee)
Good Practice No. 1 – <u>DISTRIBUTE C&E GUIDELINES</u>					
Up-to-date C&E Guidelines should be developed and distributed to act as an educational tool and reference guide in better understanding and meeting Chain of Responsibility requirements.	Understand and comply with current C&E Guidelines applicable to their areas of work.	Provide up-to-date C&E Guidelines, which are visible, understood and available to employees and other related contractors directly involved in the Supply Chain.	Provide up-to-date C&E Guidelines, which are visible, understood and available to employees and other related contractors under their control.	Understand current C&E Guidelines, the driver's legal obligations and the carrier's procedures.	Provide up-to-date C&E Guidelines, which are visible, understood and available to employees and other related contractors under their control.
Good Practice No. 2 - <u>C&E TRAINING</u>					
C&E Training should be undertaken by all C&E parties so that they understand their responsibilities and obligations in C&E matters.	Participate in C&E training and toolbox update meetings.	Provide and participate in C&E training and toolbox update meetings.	Provide C&E training to their employees and in particular Drivers and their transport staff (eg. schedulers).	Undertake training to be sufficiently familiar with C&E legal obligations.	Provide, participate in and maintain records of C&E training and toolbox update meetings.

Intent	Loader (Loading / Packing Crews)	Consignor (Including Transport Coordinators)	Carrier (Including Transport Contractor / Operator, excluding Customer Pickups)	Driver (Heavy Vehicle)	Receiver (Consignee)
Good Practice No. 3 - C&E AUDITS					
C&E Audits should be undertaken to verify conformance with C&E Guidelines and provide an opportunity for learning and / or enforcement as required.	<p>All parties to participate in and be responsive to audit processes, including making appropriate responses where there is a perceived C&E breach.</p> <p>Only those individuals who have undertaken C&E training and are deemed to be competent should perform C&E audits.</p>				
	Participate in C&E audits.	<p>Provide resources to facilitate C&E audits.</p> <p>Audit sufficient Heavy Vehicle freight movements and Carrier systems to verify conformance with C&E Guidelines.</p> <p>Update systems to record and monitor C&E incidents and remedial actions where applicable.</p>	<p>Host and facilitate audits of the Carrier's operations for C&E compliance.</p> <p>Provide information or documents to Consignors reasonably required for audit of Carrier / Driver compliance.</p>	Participate in C&E audits.	<p>Provide resources to facilitate C&E audits.</p> <p>Audit sufficient Heavy Vehicle receivals and Carrier systems to verify conformance with C&E Guidelines.</p> <p>Inform other parties and Consignors of all perceived non-compliant C&E incidents.</p> <p>Update systems to record and monitor C&E incidents and remedial actions where applicable.</p>

9.0 ADMINISTERING THE CODE

9.1 MAINTAINING THE CODE OF PRACTICE

The Code was developed by and shall be maintained by, The Grain Carriers Code of Practice Group (the Group), comprising the following Participants:

South Australian Road Transport Association;
South Australian Farmers Federation; and
Viterra Pty Ltd.

SARTA, as the **Administrator**, shall be responsible for the day-to-day administration of the Code, including ensuring that the Group meets at least 6 monthly and that the Code is reviewed and maintained as set out below. The Group and its Participants should actively support the ongoing maintenance of the Heavy Vehicle Transport Grain Carriers' Code of Practice to:

1. Better meet their legal obligations under the C&E legislation; and
2. Be more confident of demonstrating a Reasonable Steps Defence.

Without breaching confidentiality or the Trade Practices Act 1974 (Cth), Participants should share high-level C&E audit information to add rigor to:

1. Better understanding Compliance & Enforcement laws and obligations;
2. Reviewing desirable industry norms;
3. Giving consideration to potential Code amendments; and
4. Assist each other in identifying and overcoming major Code compliance failures.

The Group is responsible for:

1. The development and administration of the Code, keeping the Code up-to-date and addressing proposed amendments thereto;
2. Arranging for an accredited auditor to audit and endorse the Code and ensuring that reviews are conducted at least every three years (earlier if any major problems are identified);
3. Establishing and implementing effective procedures for recording and resolving issues and complaints relating to the operation of the Code, including community complaints and issues identified following incidents and during reviews; and
4. Having the Code ratified by organisational bodies as may be deemed appropriate by the Group.

In developing the Code and making subsequent amendments thereto, the Group shall:

1. Hold regular meetings (at least every 6 months); and
2. Consult with other organisations from time to time, including:
 - Regulators and other government bodies such as the National Transport Commission and State agencies responsible for heavy vehicle transport regulation;
 - Industry organisations such as grain industry groups; and
 - Other industry stakeholders as deemed appropriate.

9.2 KEY CONTACT

The key contact for the Code is:

The **Heavy Vehicle Transport Grain Carriers' Code of Practice Group**
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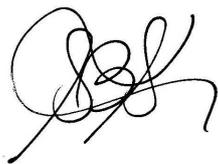
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9.4 ACKNOWLEDGEMENT OF CONTRIBUTIONS TO THE CODE

In developing this Code, participants acknowledge the contributions made by the Department of Transport Energy & Infrastructure, The SA Police, Grain Industry Organisations, and the Heavy Vehicle Road Industry.



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