

Summary for producers – 2015 Grain Cartage

This summary is a guide to explain the grain cartage rules as at October 1, 2015.

1. Farmers' trucks

Farmers are required to comply with Heavy Vehicle National Law. Anyone who has a form of control in the transport chain can be held legally accountable if, by their actions, inactions or demands, they cause or contribute to road safety breaches.

The *SA Heavy Vehicle Transport Off-Farm Grain Carriers Code of Practice* was established to help farmers comply with the relevant legislation and allow them a 'Reasonable Steps Defence'. The National Heavy Vehicle Regulator advises this code is still in place and remains unchanged for the 2015-16 grain harvest (correspondence, October 7, 2015).

Link: <https://www.nhvr.gov.au/files/201412cop-grain-carriers-code-of-practice.pdf>

To comply with the Grain Carriers Code of Practice you must have:

- A heavy vehicle policy document
- Daily driver hours (local area driving record)
- Daily roadworthy check
- Standard trip schedules
- Paddock mass loading procedure
- Maintenance recording system
- Fatigue management procedures and records

Carefully read the code before driving a truck or any other farm business-related vehicle. In particular, producers should review the 'chain of responsibility' link.

Link: <https://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility>

2. Mass overload tolerance

Producers accredited in a mass management scheme, who are carting grain directly from farm gate to grain receiver, have a mass tolerance of up to 105% of normal mass limit for two loads from each farm paddock.

Link: <https://www.nhvr.gov.au/files/c2015g01527-sa-heavy-vehicle-farm-gate-grain-transport-mass-exemption-no1.pdf>

Overloading is monitored and you need to show a reduction in mass for the consecutive loads from that paddock after a mass breach.

Summary supported by:

The same mass overload tolerance applies for those running with general mass limits under the Grain Carriers Code of Practice dated 28.10.11. For those running under general mass limits, the code allows for three loads of mass tolerance from each paddock.

3. Fatigue

Work/Rest Times

When carting grain from farm to silo within a **100km radius of base**, drivers are not required to comply with the standard hours work/rest times. (valid until February 9, 2017, per NHVR). This concession is not available in any other Australian state so South Australia is still lucky to have it. It will be lost if it is abused.

Link: <https://www.nhvr.gov.au/files/t171-sa-fatigue-management-exemption-fruit-vegetable-grain-farm-transportation.pdf>

GPSA strongly recommends that work/rest hours are still recorded within a local area driving record as is normally required under the fatigue requirements of the Heavy Vehicle National Law. Farmers must not drive fatigued.

GPSA strongly recommends that drivers still follow the standard hours work/rest timetable. For example:

- No more than 12 hours of truck-related work in the 24 hours that follows a sleep break of at least 7 hours.
- Work for 5 hours maximum, then have 30 minutes rest.
- Work again but you must fit in another 30 minutes rest in the following 5 hours
- Have one day off per week.

If you drive the header all night, jump in the truck and have an accident or are intercepted, you can be charged with a breach of fatigue laws which can carry a fine of up to \$6000, in addition to other penalties or liabilities which may be much more than \$6000. You may also be subject to serious criminal offences if you endanger lives or injure other people.

Work Diaries

The NHVR official heavy vehicle work diary is only required by grain farmers if they are carting, or have carted within the last 28 days, outside of a 160km radius of base.

Link: <https://www.nhvr.gov.au/files/c2015g01429-national-primary-production-work-diary-exemption-no2.pdf>

But, any driver who has worked BFM or AFM in the past 28 days must also carry the Work Diary and any driver working under BFM or AFM must carry and complete the work diary even within 160kms.

If you only ever cart from farm to silo and your one way trip is within 160km radius of your base, then you do not need to purchase or fill in the heavy vehicle work diary. However, as mentioned under work/rest times, we strongly recommend you record your work/rest times in your own local area driving record.

4. Other items to note

- Drivers must carry their licence when driving any vehicle over 4.5 tonne
- Trucks and trailers must be roadworthy. To check roadworthiness requirements, refer to your manufacturer's guidebook and the *National Roadworthiness Guidelines 1995*.

Link: <http://www.ntc.gov.au/Media/Reports/%28BD2B6FFF-C384-CB0E-09C8-69CFA00B98AD%29.pdf>

- If you use a carrier, **YOU** are still within their chain of responsibility and vice versa. You still have obligations under the Heavy Vehicle National Law so it is a good idea to have a carrier agreement in place.
- Loads must be restrained to prevent unsafe movement during all conditions of operation. Loads that are permitted to move relative to the vehicle include loads that are effectively contained within the sides of the enclosure of the vehicle body such as loose bulk loads (i.e. grain). Refer to the Load Restraint Guide for a detailed explanation of requirements
Link: <http://www.ntc.gov.au/heavy-vehicles/safety/load-restraint-guide/>
- Clean out trucks and bins and have them free of any contaminants before delivering into the silo system.
- When you are on-site at a receival centre, apply the hand brake if you leave the vehicle. Reminder alarms are available for about \$400.

5. Your responsibilities

This summary is no substitute for your obligation to be personally aware of all of your responsibilities. You should carefully read the documents attached in the links to assist you in understanding your obligations.

6. Disclaimer

This is a guide only to help assist you through the maze of State and Commonwealth legislative requirements which regularly change. It is for general information purposes only and it remains YOUR RESPONSIBILITY to comply with and be aware of all legislative requirements and otherwise exercise common sense.

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