



GRAINCARE

Rules for Registration, Accreditation & the Granting of a Graincare Permit 2006

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1. DEFINITIONS AND INTERPRETATION

1.1 In these Rules, the following definitions will apply, unless the context otherwise requires.

'Audit' means the systematic and independent examinations to verify that the producer is acting in accordance with these Rules.

'Auditor' means a person approved by *Graincare Ltd.* to conduct audits on its behalf.

'Authorised User' means a person authorised in accordance with these Rules to use the Trademarks.

'Code of Practice' means the *Graincare* Code of Practice contained in the Manual as amended from time to time.

'Consultative Committee' means the committee appointed by *Graincare Ltd.* to advise *Graincare Ltd.* on the *Graincare* program.

'Goods' means grains (cereals, oilseeds and pulses), agricultural products related to grains and not included in other classes, educational and training services provided to and relating to the grains industry and its products, technical and business consultancy services provided to and relating to the grains industry and its products, including quality assurance services.

'*Graincare*' means the *Graincare* on-farm quality assurance program administered by *Graincare Ltd.*

'Manual' means the manual containing Management, Chemicals and Grains Modules, as amended from time to time.

'Mark' means the trademarks as represented in Appendix A.

'Non-Conformities' means non-conformities as defined in these Rules and the Manual.

'Permit' means the Permit attached as Appendix B.

'Registered Auditor' means the Registered Auditor referred to in Rule 3 of these Rules.

'Registrar' means the Registrar of *Graincare*.

'Rules' means these Rules and any amendments made hereto from time to time;

'Standards' means the standards prescribed in the Manual as amended from time to time.

- 1.2 In these Rules, unless the context otherwise requires:
- (i) words in the singular will include the plural and vice versa;
 - (ii) references to a particular gender shall include all genders;
 - (iii) references to a person shall include natural persons, corporations, bodies politic, associations, partnerships and trusts.
- 1.3 Headings must be ignored in the interpretation of these Rules.

2. PROPRIETORSHIP

- 2.1 *Graincare Limited* is the licensee of the Mark and the Mark may not be used by any person except an Authorised User in accordance with a permit granted in accordance with these Rules.
- 2.2 *Graincare Ltd.* may delegate from time to time authority to grant a permit to use the Mark.

3. GRANT OF PERMIT

- 3.1 In order to become an Authorised User a person (producer) must have completed to the satisfaction of *Graincare Ltd.* or a person authorised by *Graincare Ltd.* an audit in accordance with these Rules and the Manual.
- 3.1 An audit must be conducted by a Registered Auditor. The Registered Auditor must:
- (i) satisfy the Quality Society of Australasia (QSA) requirements;
 - (ii) be certified by the QSA;
 - (iii) have completed an *Graincare Ltd.* recognised auditor training course;
 - (iv) have the required practical experience in auditing;
 - (v) have expertise in the grains industry;
 - (vi) have undertaken an *Graincare Ltd.* course on the *Graincare* Code of Practice; and
 - (vii) be registered with *Graincare Ltd.*

Registered Auditors will themselves be audited by an external body (Joint Accreditation System of Australia and New Zealand approved) to ensure total program integrity.

- 3.3 Upon the successful completion by a producer of the audit requirements set out in these Rules and the Manual, *Graincare Ltd.* may grant the successful producer a permit, in the form of a Permit to use the Mark. *Graincare Ltd.* or a person nominated by *Graincare Ltd.* and the successful producer must sign the Permit.
- 3.4 Any producer will be able to appeal to the Registrar against a Registered Auditors' decision.
- 3.5 In the event that a producer is unable to successfully complete an audit, *Graincare Ltd.* may refuse to grant the producer a permit to use the Mark.

4. FEES

- 4.1 A producer wishing to register with *Graincare* shall pay a fee of \$88.00 (incl. GST) or, if currently registered under the CATTLECARE and/or Flockcare programs, a fee of \$66.00 (incl. GST). Upon registration, *Graincare Ltd.* will issue appropriate documentation to the producer.
- 4.2 A producer wishing to become accredited with *Graincare* must first be audited. All auditing costs will be borne solely by the producer wishing to use the Mark.
- 4.3 An annual accreditation fee of \$66 will apply. If a producer becomes accredited within 12 months of registration, the first annual accreditation fee shall not apply.
- 4.4 *Graincare Ltd.* may uniformly prescribe such other fees or amendments to the above fees as it sees fit.
- 4.5 All fees are non-refundable.

5. RESIDUES

- 5.1 In the event that grain consigned by the producer for sale is detected immediately prior to or after sale to have chemical residues above half Maximum Residue Level (MRL) the producer agrees that the appropriate Authority dealing with chemical residues may notify *Graincare Ltd.* of the detection of those residues and the level detected.
- 5.2 The Producer further agrees that in the event that residues above half MRL are detected and reported to the producer, the producer will immediately develop a management strategy to minimise the risk of such an event occurring in the future, and will communicate that strategy to *Graincare Ltd.* for approval, and audit if such action is deemed necessary by the Registrar.

6. USE OF MARK

- 6.1 Only an Authorised User may use the mark. An Authorised User may only use the Mark as represented in Appendix B and must not in any way alter, amend or vary the Mark.
- 6.2 The mark may only be used in connection with Goods produced in compliance with the Standards.
- 6.3 The Mark may only be used to designate quality, accuracy or other characteristics, including origin, material, or mode of manufacture of the Goods.
- 6.4 An authorised User may only identify the Mark as a Trademark.
- 6.4 The Mark shall not be used outside Australia or in connection with Goods of non-Australian origin.

7. AUDITS

- 7.1 All Authorised Users must comply with all audit requirements prescribed in these Rules and the Manual.
- 7.2 An Authorised User must undertake two audits by Registered Auditors in the first year of authorisation, being at six monthly intervals (the first audit being an accreditation audit in accordance with Rule 3 above), unless the Authorised User has prior accreditation to another recognised Quality Assurance program, in which case the requirement for the second (six month) audit may be waived on application. In subsequent years an Authorised User will be required to undertake annually both two internal audits (by the Authorised User) and one external audit (by a Registered Auditor), unless problems (Non-Conformities) are encountered on the Authorised User's property, in which case external audit frequency may be increased. Authorised Users are required to self-monitor and correct problems when they arise and not wait until an audit is due. All audits under this Rule 7.2 will be at the Authorised User's sole expense.
- 7.3 At any time *Graincare Ltd.* deems appropriate, an Authorised User must undertake a further audit at the Authorised User's sole expense.
- 7.4 If an Authorised User fails any audit prescribed in this Rule 7, then *Graincare Ltd.* may in its absolute discretion revoke the Authorised User's permit to use the Mark, subject to a right of appeal to *Graincare Ltd.*

8. CORRECTIVE ACTION PROGRAM

- 8.1 Where the Registrar or *Graincare Ltd.* is notified of a breach in the Code of Practice or there is a breach of these Rules, contact will be made with the Authorised User. The nature of the problem will be identified to the Authorised User and they will be required to undertake either Corrective Action or, where appropriate, a suitable Retraining Program to ensure the problem identified does not re-occur.
- 8.2 The purpose of the Corrective Action and Retraining requirements is to increase industry awareness of the need for quality assurance in the grains industry and to continuously improve industry standards. Refer to Section 2, clause 6 for further information regarding the Corrective Action Program.

9. REVOCATION OF PERMIT

- 9.1 *Graincare Ltd.* may, acting on the advice of Registrar, revoke the permit of an Authorised User on the occurrence of any one or more of the following events:
- (i) the Authorised User breaches any one or more of these Rules;
 - (ii) the Authorised User fails to comply with the Standards;
 - (iii) the Authorised User fails an audit;
 - (iv) the Authorised User uses the Mark in a manner not authorised by these Rules;
 - (v) the Authorised User dies, becomes bankrupt or is the subject of winding up or liquidation proceedings;
 - (vi) the Authorised User sells the property to which the accreditation has been granted.

10. RIGHT OF APPEAL

10.1 Any refusal to grant a permit or any revocation of a permit by the Registrar is subject to a right of appeal to *Graincare Ltd.*

10.2 If the dispute is not resolved within 14 days of submission of the dispute to them, or such other time as they agree, the provisions of paragraph 9.3 will apply.

10.3. Appeal

10.3.1 If an organisation is dissatisfied with a decision of the Registrar under these rules, the Organisation may appeal the decision. The appeal must be in writing. The Registrar will provide contact details for such an appeal. A *Graincare Ltd.* Committee, formed for the purpose of hearing appeals, must hear the appeal.

10.3.2 If an organisation is dissatisfied with a decision of any *Graincare Ltd.* Committee under these Rules, the Organisation may appeal to the Appeals Committee of *Graincare Ltd.* in accordance with the Business Rules of *Graincare Ltd.* The Registrar will provide contact information for such an appeal.

10.3.3 In making a determination in accordance with paragraph 10.3:

- (a) the Committee is required to determine the appeal taking into account the *Graincare* Code of Practice;
- (b) the Committee acts as an expert and not as an arbitrator; and
- (c) the Committee's decision is conclusive, final and binding on the parties (except in the case of manifest error).

10.3.4 The parties must pay the costs of the determination as determined by the Committee.

11. INDEMNITY

11.1 The producer covenants and agrees with *Graincare Ltd.* that the producer indemnifies and keeps indemnified *Graincare Ltd.* in respect of all or any claim, action, demand or suit made by any third party against *Graincare Ltd.* arising from or in any way related to the withdrawal or refusal to issue a Permit in accordance with these Rules.

11.2 The producer covenants and agrees with *Graincare Ltd.* that in the event that a Permit is withdrawn or refused in accordance with these Rules, the producer will not make or institute any claim, demand, action or suit against *Graincare Ltd.* arising from or in any way related to the withdrawal or refusal to issue a Permit.

12. AMENDING THE RULES

12.1 *Graincare Ltd.* may from time to time amend these Rules.

13. AMENDING THE STANDARDS

13.1 *Graincare Ltd.* may from time to time amend the Standards.

13.2 Where *Graincare Ltd.* proposes to amend the Standards, *Graincare Ltd.* must notify all Authorised Users of its intention to amend the Standards.

14. THE REGISTER

- 14.1 *Graincare Ltd.* will appoint a Registrar for *Graincare* ("Registrar") who must:
- (a) maintain a register of registered and accredited organisations;
 - (b) issue unique identification to each registered or accredited organisation;
and
 - (c) investigate complaints and administer the Corrective Action.
- 14.2 The Registrar shall maintain a Register of Authorised Users, which shall include details of the name, address and trade description of each Authorised User and the date of registration and number allotted to each Authorised User and such other details as *Graincare Ltd.* may wish from time to time to include in the Register.
- 14.2 The producer acknowledges that *Graincare Ltd.* may use information concerning the producer or the business of the producer obtained in connection with these Rules or the issuing of a Permit to the producer, including publishing any or all such information as *Graincare Ltd.* considers necessary or desirable for the purposes of the *Graincare* program.

15. CONSULTATIVE GROUP

- 15.1 *Graincare Ltd.* has established a consultative group to advise *Graincare Ltd.* on the Standards and administration of *Graincare*.

16. PARAMOUNTCY

- 16.1 In the event of any inconsistency between these Rules and a Permit, these Rules will prevail to the extent of that inconsistency.

17. GRAINCARE LTD. CONTACTS

Graincare Limited
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18. APPENDIX A



GRAINCARE®

19. APPENDIX B

Graincare[®] Permit

In consideration of:

('the Producer') having paid *Graincare Ltd.* the sum as specified in the Rules, *Graincare Ltd.* hereby authorises the Producer to use the Mark as represented below in accordance with the Conditions set out below and in accordance with the **Graincare - Rules for Registration, Accreditation & the Granting of a Graincare Permit** and in accordance with the Standards contained in the *Graincare Manual* (the *Graincare Code of Practice*) or as otherwise prescribed, from time to time by *Graincare Ltd.*

Conditions:

- (i) Property:
- (ii) Period of Permit:
- (iii) Accreditation Number:

Mark:



GRAINCARE[®]



Signed by the Producer

Signed on behalf of *Graincare Ltd.*