



Consultation Paper – Land Transport of Horses

Submission to the Department of Agriculture and Fisheries

21 April 2021

Introduction

The National Heavy Vehicle Regulator (NHVR) supports the intention of the Animal Welfare Task Group (AWTG) to revise the national *Australian Animal Welfare Standards and Guidelines—Land Transport of Livestock* (the Standards and Guidelines) to ensure they are suitable for the welfare of horses.

The NHVR is encouraged that the new system could improve the welfare of horses during land transport, but notes that there may be implications for heavy vehicle access, load restraint, and fatigue.

We welcome the opportunity to provide our input to the Consultation Paper, noting that our answers to the questions posed are based on our knowledge and experience with industry, given recent feedback received through our own consultation process in the NHVR's [Livestock Supply Chain Review](#) in 2020.

Throughout our consultation process we engaged with over 30 livestock industry stakeholders. The outcome of the consultation process provided the NHVR with unique insight to the challenges and opportunities of improving land transport of livestock, with many stakeholders commenting on difficulties understanding their Chain of Responsibility (CoR) obligations under the HVNL.

We commend the AWTG for undertaking this consultation process and look forward to the next stage in the progression of amendments to the Standards and Guidelines.

About the NHVR

The NHVR is Australia's dedicated statutory regulator for all heavy vehicles over 4.5 tonnes gross vehicle mass or aggregate trailer mass. We provide leadership to, and work collaboratively with, industry and partner agencies to drive sustainable improvements to safety, productivity and efficiency outcomes across the Australian heavy vehicle road transport sector.

Our submission is unique in the sense that we are a regulator with strong relationships with road managers and industry and through our constant engagement and service delivery, we are very aware of how changes to standards and guidelines may impact the livestock industry.

Submission Response

Our submission focuses on identifying issues that may arise from implementation of the proposals, with respect to alignment with the HVNL and subordinate instruments.

While animal welfare is important, and the NHVR supports as a principle improvements to animal welfare during land transport, the NHVR's remit does not extend to animal welfare. Further, the NHVR's remit does not include land transport of horses by light vehicles, or by rail.

The NHVR has provided general comments below.

What information, education or resources would be needed to support industry to put the changes into practice?

During the NHVR's Livestock Supply Chain Review consultation, industry stakeholders mentioned they are aware of Chain of Responsibility and agree that safety is a shared responsibility. However, industry indicated there is significant lack of understanding on identifying, yet alone addressing, their own or others' roles, responsibilities and obligations.

The NHVR recommends that the AWTG ensure that it implements an industry wide education and training campaign to ensure industry is well aware of any changes to heavy vehicle operations and CoR obligations, why the changes were made, how the changes were made and the consultation process.

The NHVR has outlined below where the AWTG, the Commonwealth Government and jurisdictions should focus their efforts with respect to changes that may have some relevance to the HVNL.

The NHVR may play a supporting role in these efforts, dependent on the activity, and where it is relevant to the HVNL and the NHVR's activities.

Do you have any other comments or suggestions?

Access under Livestock Loading Schemes and Notices

The carriage of water for livestock is currently not allowed on restricted access heavy vehicles operating under the various livestock loading schemes and notices in HVNL participating jurisdictions (i.e. vehicles operating above General Mass Limits or Concessional Mass Limits).

Only personal water use exemptions are allowable (i.e. for consumption by the driver and passengers).

If carriage of water results in heavy vehicles having a mass above General Mass Limits or Concessional Mass Limits, operation on public roads will not be allowed under the current livestock loading schemes or notices. As such, industry may require access permits to travel at greater mass, given the new need for carriage of water intended for horses.

The NHVR advises the AWTG to consult with industry to determine if carriage of water, to meet the new proposal, would result in heavy vehicles having a mass over General Mass Limits or Concessional Mass Limits (i.e. mass of vehicle, plus all loads including horses and water, is greater than General Mass Limits or Concessional Mass Limits).

Fatigue

With respect to the AWTG's proposed changes to the Standards and Guidelines, these may result in changes to industry understanding of fatigue management and how to comply with their fatigue requirements under the HVNL. This is given there is uncertainty with the AWTG's proposal to water horses being counted as working time or non-working time, which influences requirements for drivers to rest, when to rest and how long to rest for.

The NHVR advises that fatigue management relates to if the vehicles concerned are fatigue-regulated heavy vehicles—that is, they are more than 12 tonnes Gross Vehicle Mass or Gross Combination Mass, and not classified as plant/machinery or motorhomes.

Only fatigue-regulated heavy vehicles are captured by the fatigue management requirements of Chapter 6 of the HVNL. Other heavy vehicles must meet the primary safety duty.

For fatigue-regulated heavy vehicles, the NHVR has concerns with the lack of clarity of the proposal to water horses, and the type of work operators will do and whether or not they are at risk of non-compliance with the prescribed work and rest rule in the HVNL.

The time spent actively watering the horses would be considered work (e.g. unloading horses to water) but if the driver was able to remove themselves from the task and take rest (e.g. horses can be watered while loaded, without the need for the driver to undertake work), it would be a positive step for safety and fatigue management by providing driver's with more rest time.

The HVNL requires drivers must stop for at least 15 minutes at 5 ½, 7 and 11 hours into the trip.

As part of any education and training campaign in response to implementation of changes, industry should be made aware of how to structure the journey (e.g. so that drivers take rest during the watering), if that is practical, so that additional stops for rest are minimised. Doing so minimises impacts to productivity, while promoting safety.

The HVNL also requires that drivers must work no more than 12 or 14 hours in a (valid) 24 hour period. The NHVR had been told by industry that for the land transport of horses, the average trip length is eight hours and well within the limits in the HVNL. If more time still is needed to meet animal welfare requirements, the NHVR has created an exemption notice that permits up to one additional hour of work if needed to respond to animal welfare issues. Information can be found at [National Livestock Welfare Work and Rest Exemption Notice 2020 \(No. 1\)](#).

Based on the information provided to the NHVR, the NHVR assumes that most of industry should be able to manage the fatigue requirements of the new welfare arrangements.

If the AWTG or industry have specific areas of concern, please contact Andreas Blahous, Principal Safety Assurance Advisor, on 07 3309 8541 or Andreas.Blahous@nhvr.gov.au.

If industry are needing to seek some further flexibility, in the first instance they must explore fatigue management accreditation (i.e. joining the [National Heavy Vehicle Accreditation Scheme](#) under either basic or advanced fatigue management). The NHVR has made available the [Livestock Transport Fatigue Management Scheme](#), which may be of interest to operators wishing to pursue accreditation. Only after this avenue has been exhausted can the NHVR consider other arrangements.

Any additional rest time above what drivers are required to do under the HVNL, due to the proposal to water horses, will result in administrative (e.g. if the vehicle is not fitted with an NHVR approved Electronic Work Diary, the driver will be required to manually populate a National Written Work Diary) and financial impacts to industry (e.g. due to reducing kilometres travelled within a defined time period and loss of productivity).

Water and Effluent as a Load

The AWTG proposal to require watering of horses during land transport could result in higher effluent generation. Further, as both water and effluent are considered a load, there would be an increased need for industry to manage water and effluent under the load restraint provisions of the HVNL (e.g. so as to avoid run-off onto public roads or onto other road users).

While the proposals do not change the need to comply with the HVNL, the proposal may have administrative and cost implications to industry (e.g. additional investment may be required for vehicles to comply with the HVNL, given increased carriage of water and effluent production).

The NHVR recommends that the AWTG consult with the Australian Livestock and Rural Transporters Association (ALRTA), who are currently developing an Industry Code of Practice on managing effluent in the livestock supply chain. There are synergies between this issue and the work being undertaken by ALRTA, particularly from a training and education perspective.

Load stability and shifting mass

Livestock transport involves moving loads. Generally, any increase to space allowance would increase ability for the load to move. This has potential implications for load stability, and by extension potential for vehicle rollover and road safety.

The NHVR has not undertaken any engineering assessment on this matter, given limited time to respond, lack of data on horse transport vehicles, lack of data on horse mass, and lack of data on horse transport activities. As such, the NHVR cannot provide at this time definitive detailed engineering comment if there is any increase in risk with the proposed changes.

However, NHVR engineers have provided preliminary advice, on a first principles basis, using a number of assumptions. Given horses are proposed to be transported on a single deck (lower centre of gravity compared to multiple decks such as used in cattle transport), and that overall mass would not be as high compared to other transport activities (e.g. cattle on multiple decks has greater overall mass), the risk of rollover with horses is unlikely to be greater than other livestock currently being transported.

The NHVR thanks the AWTG for the opportunity to provide comment on the Consultation Paper and should the AWTG require further information, please contact Peter Caprioli, Executive Director, Freight and Supply Chain Productivity on 07 3309 8600 or peter.caprioli@nhvr.gov.au.