



**30 September 2022**

Ray Hassall  
A/ Chief Regulatory Policy and Standards Officer  
National Heavy Vehicle Regulator

Via email: [info@nhvr.gov.au](mailto:info@nhvr.gov.au)

Dear Mr Hassall

**REVIEW OF LIVESTOCK MASS, DIMENSION AND LOADING ARRANGEMENTS**

Thank you for the opportunity to provide a submission in the response to the NHVR discussion paper on *Review of Livestock Mass, Dimension and Loading Arrangements*, released June 2022.

The Australian Livestock and Rural Transporters Association (ALRTA) considers this a landmark review with potential implications for livestock transport for decades to come. While we support national harmonisation of regulatory schemes, we also appreciate that some issues will be difficult to resolve in the short-term. This should be expected given that business operations and equipment are now built around state schemes that have been in operation for decades past.

The ALRTA is a federation of state associations, each operating under a unique livestock loading scheme. Internal consultation has delivered majority agreement on most common elements of a proposed a national scheme. The attached submission outlines these common positions.

However, a majority agreement was not reached on vehicle mass. ALRTA expects each affected state member association to lodge a separate submission outlining arguments in support of particular approaches to mass. ALRTA goes no further than offering general principles on this matter.

Please also note that the Livestock and Rural Transporters Association of Queensland hold a divergent view concerning enrolment and training of people, preferring to keep the status quo.

The NHVR discussion paper is a good start to a necessary process of consultation and negotiation. ALRTA looks forward to further engagement on this important issue.

If you wish to arrange a meeting to discuss the attached submission, please contact the ALRTA

[Redacted contact information]

Yours sincerely

[Redacted signature]

[Redacted name]

National President

[Redacted contact information]



## **SUBMISSION TO**

# **NHVR REVIEW OF LIVESTOCK MASS, DIMENSION AND LOADING ARRANGEMENTS**

**30 September 2022**

## 1.0 Introduction

The Australian Livestock and Rural Transporters Association (ALRTA) is pleased to offer this submission to the NHVR *Review of Livestock, Mass Dimension and Loading Arrangements*.

The ALRTA is the peak body representing road transport businesses servicing the agricultural supply chain. We are a federation of six state associations including the:

- Livestock, Bulk and Rural Carriers Association of New South Wales
- Livestock and Rural Transporters Association of Victoria
- Livestock and Rural Transporters Association of South Australia
- Livestock and Rural Transporters Association of Western Australia
- Livestock and Rural Transporters Association of Queensland
- Livestock Transporters Association of Tasmania

Together our associations represent around 700 transport businesses including owner-drivers, small fleet operators and large fleet operators with hundreds of trucks and trailers.

## 2.0 Summary of Recommendations

The ALRTA makes the following recommendations:

- **Recommendation 1:** That NHVR take a pragmatic approach to improving harmonisation of livestock loading schemes having particular regard to enhancing safety, animal welfare and facilitating full network and farm gate access.
- **Recommendation 2:** That NHVR consider the following purposes of a harmonised livestock loading scheme:
  - Assist loading in challenging circumstances;
  - To eliminate gross overloading and protect road infrastructure; and
  - To provide productivity and safety benefits by reducing the required number of journeys.
- **Recommendation 3:** That a national LLS should:
  - include horses, cattle, sheep, pigs, goats and buffalo;
  - allow mixed loads of cattle, sheep, goats provided that each species is penned separately and as per published loading densities.
  - Mixed loads containing pigs should also be allowed. However, for pigs larger than weaners loaded into 4x2 crates, a 3 deck limit must apply with no other species present. For every pen reduction in pigs, an equivalent 1.3 pens of sheep should be allowable.
- **Recommendation 4:** That a national LLS should:
  - extend to all vehicles upwards from tray trucks (provided also compliant with manufacturers ratings);
  - include parameters for assessment of smaller vehicles to ensure compliance when loaded to standards; and
  - include information about an eligible vehicle that describes exactly what it is (ie describe specific vehicle combinations within Type I and Type II Road Trains).

- **Recommendation 5:** That a national LLS should require vehicles to undergo assessment upon entry and thereafter at change of ownership.
- **Recommendation 6:** That a national LSS should:
  - require accreditation and training of transport operators and key staff; and
  - require accreditation and training to be renewed every five years.
- **Recommendation 7:** That further consultation be undertaken concerning the:
  - scope of off-road chain parties subject to accreditation and training;
  - content of a uniform national training package; and
  - delivery mode of national accreditation and training.
- **Recommendation 8:** That a national LLS should support improved network access on the basis that scheme accreditation, training or other requirements are considered ‘pre-approved access conditions’.
- **Recommendation 9:** That, in circumstances where the operator is otherwise substantially compliant, that breach categorisation under a national LLS should be calculated with reference to the specific limits specified within the instrument establishing the LLS.
- **Recommendation 10:** That any vehicle tare mass limits applicable under a national LLS should be realistic and assessed on a basis of a vehicle fully fuelled and ready for work (including equipment necessary for ensuring the safety of drivers and animals in harsh operating environments such as long range fuel tanks (and the fuel these contain), extra tyres, chains, water tanks, effluent tanks, bull bars, ice packs, FUPs, ring feeders, tool boxes, spares, extra food/water, personal items, dog boxes, ladders, cat walks, blocking gates etc.
- **Recommendation 11:** That axle group mass limits not be applied under a national LLS. If applied, a tolerance of at least 1 tonne will be necessary to deal with natural variation and movement within each load.
- **Recommendation 12:** That a national LLS should compel consignors to supply a livestock weight declaration to a transport driver or operator. The driver or operator should be entitled to rely on the livestock weight declaration with false declarations attracting significant penalties.

### 3.0 Proposed Harmonisation of Livestock Loading Schemes

ALRTA supports the concept of harmonising livestock loading schemes (LLS) in all HVNL jurisdictions. This will reduce regulatory complexity for industry and make participation in LLS more attractive for individual road managers who may have more confidence in an agreed national approach.

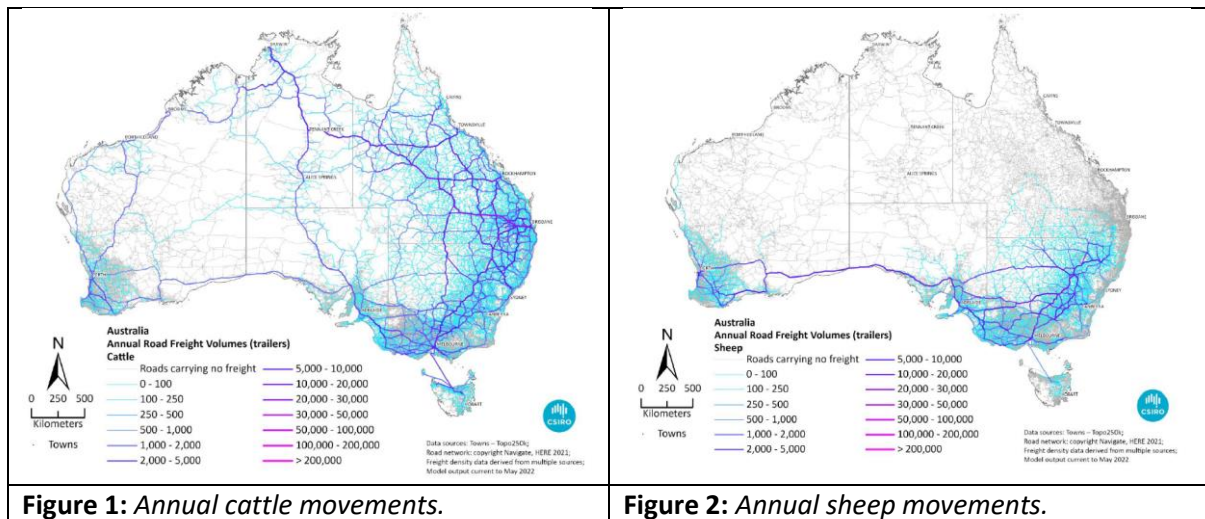
Ideally, it should be possible for all trucks to load livestock legally and travel to all parts of Australia under the same rules, or at least, mutually recognised rules.

According to CSIRO’s *Mapping annual freight movements for livestock in Australia* (2022), at least 14,906,670 tonnes of livestock are transported on the Australian road network annually. Individual animals may be transported up to four times during the production process. Totals for common livestock species are included in Table 1.

Livestock type	Tonnes
Cattle	9,964,811
Sheep	3,529,528
Goats	846,000
Pigs	556,398
Buffalo	9,933

**Table 1: National annual livestock movements.** Source: CSIRO 2022.

In semi-trailer equivalent terms, there are more than 600,000 movements of livestock annually, and many more in reality when considering the plethora of smaller farm trucks moving small loads. Movements of cattle (Figure 1) and sheep (Figure 2) are illustrated below.

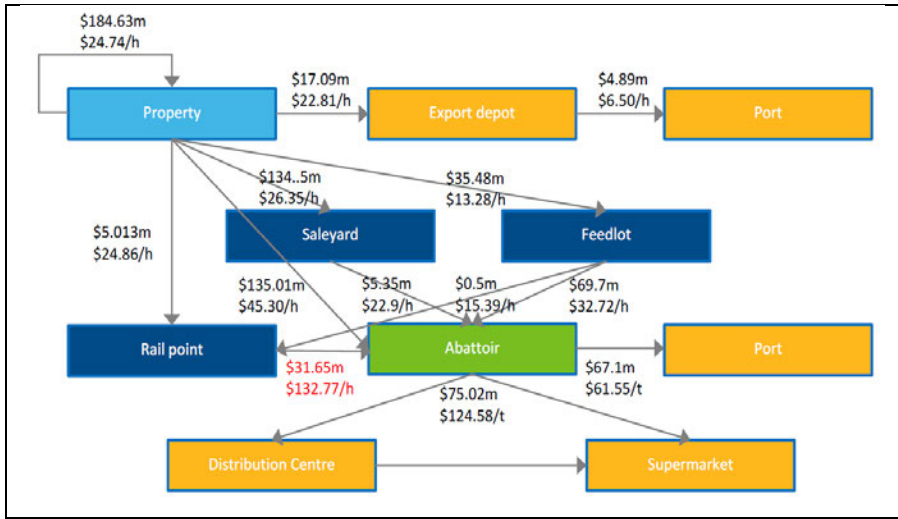


**Figure 1: Annual cattle movements.**

**Figure 2: Annual sheep movements.**

A 2021 *International Supply Chain Benchmarking Sectoral Assessment* prepared for the Department of Infrastructure, Transport, regional Development and Communications estimated that the total annual value of frighted livestock goods at \$51b, the most valuable Australian non-mining supply chain. The report also notes that road transport is fastest, most flexible, and most compliant with animal welfare and meat quality standards.

Australian livestock transport costs are a significant proportion of final product value, representing up to 40% of market price (CSIRO 2015). CSIRO modelled transport costs throughout the supply chain are presented in Figure 3 below.



**Figure 3:** Livestock freight costs.

According to CSIRO, the total annual cost of livestock freight (pre-processing) in Australia is approximately \$592m.

Conservatively, current state-based LLS remove more than 60,000 semi-trailer equivalent livestock movements from the Australian road network annually, with direct savings in transport costs returning to regional communities where livestock production centres are typically located. In dollar terms, LLS would save around \$59m annually, or more than half a billion dollars every 10 years.

While supportive of a harmonised national LLS, ALRTA also keenly appreciates that some issues will be difficult to resolve in the short-term. This should be expected given that business operations and equipment are now built around state schemes that have been in operation for decades.

Internal consultation with our state member associations has however delivered majority agreement on most elements comprising a potential national livestock loading scheme. These common positions are outlined in the sections to follow.

However, a majority agreement was not reached on vehicle mass. ALRTA expects each affected state member association to lodge a separate submission outlining arguments in support of particular approaches to mass. ALRTA goes no further than offering general principles on this matter.

Please also note that the Livestock and Rural Transporters Association of Queensland hold a divergent view concerning enrolment and training of people.

Given that road managers may also hold differing views, and as has occurred with other national harmonisation efforts, a pragmatic approach to incremental change may be necessary. ALRTA does however encourage NHVR to boldly strive for a harmonised national approach to livestock loading schemes, having particular regard to enhancing safety, animal welfare, competitive neutrality and facilitating full network and farm gate access.

**Recommendation 1:** That NHVR take a pragmatic approach to improving harmonisation of livestock loading schemes having particular regard to enhancing safety, animal welfare, competitive neutrality and facilitating full network and farm gate access.

## 4.0 Purpose of Livestock Loading Schemes

It is important that NHVR has a clear objective in harmonising LLS. ALRTA considers that LLS have multiple purposes:

1. Assist loading in challenging circumstances;
2. To eliminate gross overloading and protect road infrastructure; and
3. To provide productivity and safety benefits by reducing the required number of journeys.

In our view, all of these considerations must be factored into policy development.

**Recommendation 2:** That NHVR consider the following purposes of a harmonised livestock loading scheme:

- Assist loading in challenging circumstances;
- To eliminate gross overloading and protect road infrastructure; and
- To provide productivity and safety benefits by reducing the required number of journeys.

## 5.0 Eligible Livestock

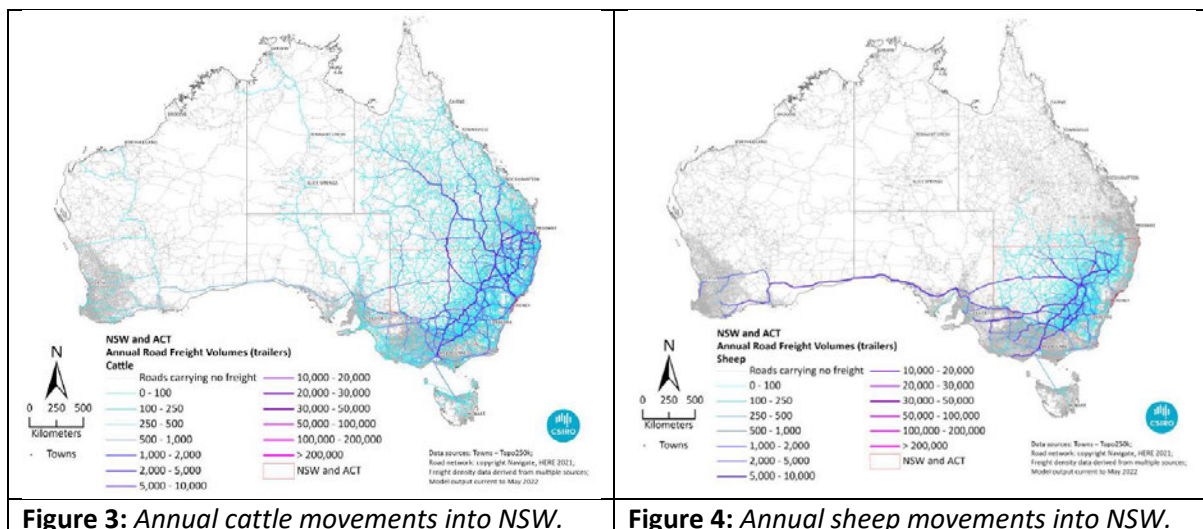
ALRTA notes that jurisdictions currently have differing approaches to the scope of livestock species eligible to be carried under a livestock loading scheme. These differences may simply be an historic legacy relating to the relative importance of common species in each jurisdiction at the time when schemes were first established.

However, Australian livestock transport has since become a truly national endeavour.

The modern reality is that all common species can now be important across all jurisdictions.

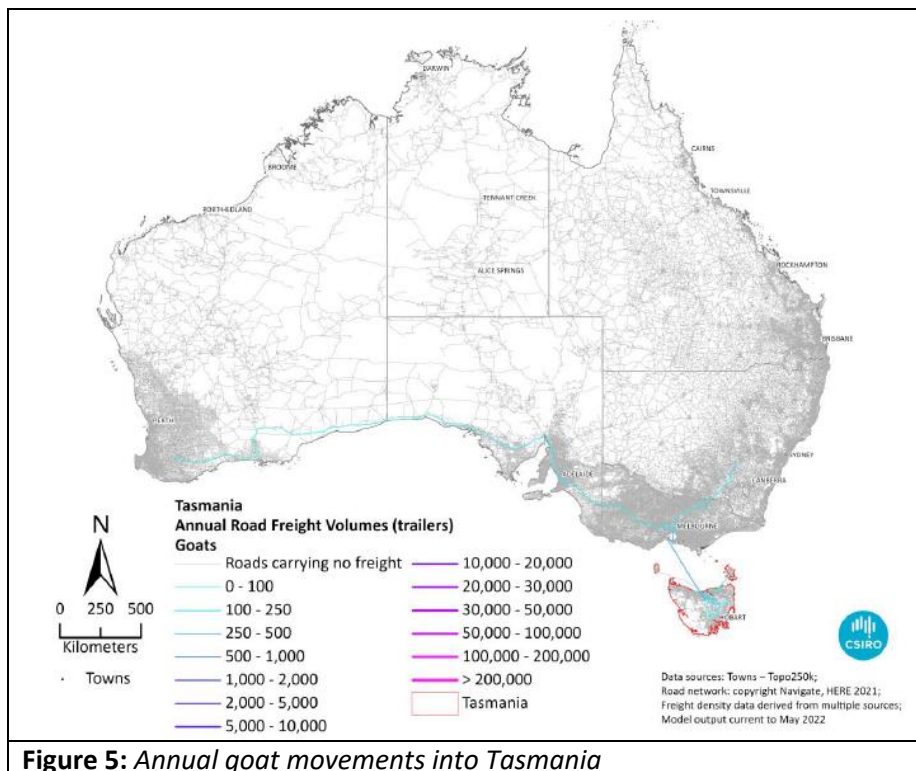
The maps below illustrate the potential importance of establishing a harmonised national LLS.

Figure 3 shows cattle movements into NSW, while figure 4 shows sheep movements into NSW.



The take home point here is that livestock movements often originate in jurisdictions that have a volumetric approach to LLS but terminate in a jurisdiction with a capped weight approach. There are also differences in approaches to vehicle tare weights and accreditation and training of operators and workers. This situation delivers a lowest common denominator productivity outcome as well as layers of red tape and a high non-compliance risk for multi-state operators.

To further illustrate the contemporary national nature of even relatively minor livestock supply chains, it is worth considering the supply of goats to Tasmania (Figure 5).



**Figure 5:** Annual goat movements into Tasmania

As illustrated in Figure 5, product is sourced from WA, SA, VIC and NSW. Again, the need for national consistency of LLS is obvious.

Provided that load limits are applied via a volumetric approach or specific weight caps, there is no technical reason why livestock loading ought not to be extended to all common livestock species. All would travel with the same weight and dimension limits.

**Recommendation 3:** That a national LLS should:

- include horses, cattle, sheep, pigs, goats and buffalo;
- allow mixed loads of cattle, sheep, goats provided that each species is penned separately and as per published loading densities.
- Mixed loads containing pigs should also be allowed. However, for pigs larger than weaners loaded into 4x2 crates, a 3 deck limit must apply with no other species present. For every pen reduction in pigs, an equivalent 1.3 pens of sheep should be allowable.



## 6.0 Eligible Vehicles

Existing state schemes take differing approaches to defining the scope of heavy vehicles eligible to participate in LLS.

The operational reality is that there are many types of heavy vehicles involved in livestock transport. This includes smaller farm trucks, medium sized commercial vehicles used for operating in relatively inaccessible country and larger articulated combinations.

Provided that allowable loading densities and manufacturer's ratings are not exceeded, there is no logical reason to arbitrarily limit application of LLS to a particular subset of heavy vehicles over 4.5t.

ALRTA however acknowledges that more work will be required to develop parameters around assessment of non-standard smaller trucks to ensure compliance when loaded to standards.

ALRTA also considers that it would be useful for LLS to include guide vehicle descriptions within classes to ensure applicants have a good understanding of which vehicles are allowable. For example, specific combinations should be listed and described within broader categories such as 'Type 1' and 'Type 2' road trains to avoid doubt.

**Recommendation 4:** That a national LLS should:

- extend to all vehicles upwards from tray trucks (provided also compliant with manufacturers ratings);
- include parameters for assessment of smaller vehicles to ensure compliance when loaded to standards; and
- include information about an eligible vehicle that describes exactly what it is (ie describe specific vehicle combinations within Type I and Type II Road Trains).

## 6.0 Accreditation and Training

### 6.1 Vehicles

ALRTA understands that road managers must be confident that vehicles participating in a national LLS are compliant with all specified technical parameters relating to maximum tare mass, dimension, axle spacings or other requirements.

For this reason, ALRTA is supportive of a requirement for participating vehicles to be assessed upon entry to a LLS, and thereafter at change of ownership.

**Recommendation 5:** That a national LLS should require vehicles to undergo assessment upon entry and thereafter at change of ownership.

## 6.2 Businesses and People

It is currently the case that state LLS have widely differing requirements for enrolment and training of businesses and people.

Arguably, workplace health and safety laws and HVNL primary duties already compel all transport businesses to identify risks and apply controls such as staff training. ALRTA supports this notion as it applies to general transport operations because all businesses are subtly different in their operation. Thus, each must assess and address their own specific risks in their own way (i.e. it is not possible for the regulator to be aware of all risks or for generic training to cover all possible risks across a diversity of transport operations).

However, ALRTA also believes there is a special case for mandatory enrolment and training for entrants of schemes that have pre-determined specific rules and deliver specific regulatory benefits.

From the perspective of road managers, it is reasonable to require a level of assurance that, in return for certain regulatory benefits, participants will manage associated risks - and demonstrate that they are doing so. Failure to do so should result in removal of accreditation from problem businesses or individuals, protecting the integrity of the scheme both for road managers and for compliant users.

On this basis, the majority of ALRTA state member associations agree that a national LLS should require livestock transport operators to become accredited under the scheme, and for key staff involved in loading, driving or scheduling to undergo periodic uniform national training and assessment. Ideally, this would also extend to others in the chain such as consignors, livestock agents, drovers etc however it is unclear whether the current HVNL could compel this outcome. At the very least, these parties must be aware of what is allowable under a national LLS.

Assuming, that participating jurisdictions agree that accreditation of individuals and uniform national training is a requirement of a national LLS, further discussions will need to occur concerning training content and how it is delivered. At a minimum it would seem that training relating to LLS rules, compliant loading practices, safe handling of loaded vehicles and route planning would be included.

ALRTA is open to the possibility that industry, rather than the regulator, would play a role in the development and delivery of uniform national accreditation and training.

**Recommendation 6:** That a national LSS should:

- require accreditation and training of transport operators and key staff; and
- require accreditation and training to be renewed every five years.

**Recommendation 7:** That further consultation be undertaken concerning the:

- scope of off-road chain parties subject to accreditation and training;
- content of a uniform national training package; and
- delivery mode of national accreditation and training.

## 7.0 Network Access

The livestock transport chain has an intrinsic connection with Australian farms, feedlots, saleyards and processing facilities. To operate efficiently, high productivity vehicles must be able to move seamlessly across jurisdictions and to all points along the supply chain. Currently, permits are required for many livestock movements, particularly for last-mile access to the farm gate, even when such movements are regular and repeatedly approved.

A national LLS, operating under a single national notice, has potential to assist in facilitating improved network access, greatly reducing the need for last-mile permits.

ALRTA does however accept that this is necessarily a balancing act. Road managers are unlikely to allow unfettered access to larger or heavier vehicles without some level of assurance that all associated risks are appropriately managed, including the possibility that non-compliant operators can be readily identified and removed from the national LLS.

In the sections above, ALRTA has recommended that all vehicles, operators and individuals participating in a LSS be subject to a higher level of assessment and training than is the case in general transport operations. It is our hope that by working with road managers to develop acceptable assessment and training packages for participating vehicles, businesses and people, that these proposals would be looked upon as 'pre-approved access conditions', forming an agreed basis for extending road network access for LSS participants.

ALRTA is also open to considering other forms of access conditions that may be proposed by road managers for inclusion in a national LLS if these can facilitate significantly improved network access.

**Recommendation 8:** That a national LLS should support improved network access on the basis that scheme accreditation, training or other requirements are considered 'pre-approved access conditions'.

## 8.0 Enforcement

ALRTA considers that the basis for calculation of breach categories under HVNL subordinate instruments is fundamentally flawed and unfair. The problem arises because of the different treatment of concessions that are constituted in law (legislation or regulations) compared with those that are constituted in subordinate instruments (notices and permits).

It is ALRTA's understanding that, if an operator is found to be in breach of a mass limit applicable under a state LLS, that the magnitude of the breach is calculated as if the LSS did not apply. So, while an operator may only marginally breach an LLS mass limit (i.e. a minor breach), the breach category and associated penalty can be calculated with reference to the mass limit that would otherwise apply in the absence of an LSS (e.g. GML, CML or HML), potentially resulting in a substantial or severe breach.

This creates an unfair compliance risk for transport operators participating in a national LLS who will of course, and should be encouraged to, load vehicles to the target mass limits allowable under the scheme. ALRTA asserts that, if an operator is substantially compliant with a national LLS, breaches should only be calculated with reference to the LLS enabling instrument, rather than calculated as if the instrument does not apply at all.

**Recommendation 9:** That, in circumstances where the operator is otherwise substantially compliant, that breach categorisation under a national LLS should be calculated with reference to the specific limits specified within the instrument establishing the LLS.

## 9.0 Mass

As indicated in the sections above, ALRTA state member associations will each lodge separate submissions on vehicle mass.

However, while a majority agreement was not reached on specific approaches to vehicle mass, discussions with members have revealed some common principles or positions that should be universally applied no matter which mass approach is taken under a national LLS.

These are outlined below.

### 9.1 Vehicle Tare Mass

Several state LLS apply limits on the tare mass of participating vehicles as a means of limiting gross vehicle or combination mass. ALRTA does not oppose this approach, however we argue that current tare mass limits are out-dated and dangerously low in some jurisdictions.

Tare mass limits applicable to prime movers have not kept pace with evolving Australian Design Rules that require better, but heavier, braking and emissions control systems. Given that these requirements are imposed by governments, it is reasonable to make allowances for such requirements under contemporary tare mass limits specified under a national LLS.

Tare mass limits applicable to trailers can result in unsafe designs being used in some circumstances. While lightweight designs can operate successfully on sealed roads, trailers used in remote locations require reinforcing to remain structurally sound and minimise maintenance costs.

ALRTA would also argue that livestock transport necessarily requires the use of specialised equipment and accessories to ensure the safety and welfare of drivers and animals.

Over the vast remote areas that livestock transporters operate in there is scarce access to suitable maintenance or repair facilities – hence drivers must take additional tools, spares and equipment to ensure the vehicle remains operational. It is extremely dangerous for a driver and their live cargo to become stranded in a remote environment, much of which as limited communication coverage.

It is also essential for livestock vehicles to be fitted out with accessories designed to reduce the likelihood of injury to persons handling or checking on livestock. Such items include ladders, catwalks and blocking gates that help prevent falling from height or direct interaction between the handler and the livestock.

According to a [2018 report by Safe Work Australia](#), the transport sector has both the highest fatality rate and highest frequency rate of serious claims. Truck drivers represent more than half of these statistics. Major causes of these incidents are vehicle crashes, falling, being hit by moving objects or being trapped between stationary and moving objects. Supporting these concerning statistics, a 2021 ALRTA survey found that 87 percent of respondents involved in loading livestock had experienced an injury in the past five years and almost 70 percent continue to experience near misses regularly or often – all of these incidents can be reduced through the use of specialised equipment designed to keep handlers and animals separated at all times.

Equally important when operating in remote areas is driver comfort and amenity. It is well known that poor access to amenities is a major contributor to driver fatigue and distraction. Thus, on longer trips, it is important for drivers to carry additional food and water, cooking equipment, outdoor lighting, larger bunks, air conditioning units and personal items that assist in improving their standard of living away from home.

When considering all of these factors, it is vitally important for the safety and welfare of drivers and animals to carry equipment and accessories including long range fuel tanks (and the fuel these contain), extra tyres, chains, water tanks, effluent tanks, bull bars, ice packs, FUPs, ring feeders, tool boxes, spares, extra food/water, personal items, dog boxes, ladders, cat walks, blocking gates etc.

ALRTA notes that the Victorian Livestock and Rural Transporters Association has supplied NHVR with a September 2022 report on *'Improved Access for High Productivity Livestock Vehicles'*. This report clearly demonstrates that, in all cases across all species, vehicle combinations with a higher tare mass have the same, and often better, static rollover threshold. Such vehicles have a lower risk of rollover and a lower risk of catastrophic structural failure while loaded. ALRTA believes that these factors offer a compelling case for allowable tare mass to be increased to a realistic threshold.

**Recommendation 10:** That any vehicle tare mass limits applicable under a national LLS should be realistic and assessed on a basis of a vehicle fully fuelled and ready for work (including equipment necessary for ensuring the safety of drivers and animals in harsh operating environments such as long range fuel tanks (and the fuel these contain), extra tyres, chains, water tanks, effluent tanks, bull bars, ice packs, FUPs, ring feeders, tool boxes, spares, extra food/water, personal items, dog boxes, ladders, cat walks, blocking gates etc.

## 9.2 Axle Mass

The application of axle mass limits is problematic under all current state LLS. Whether livestock are loaded volumetrically or under axle or combination mass limits, it always occurs with reference to the species and weight specific loading densities published under the [Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock](#).

Following the published loading densities generally result in adherence to all mass limits. However, livestock are not uniform in nature and are somewhat mobile within a livestock trailer. Even when livestock are loaded as per density guidelines, some variation across axle groups must be expected.

A truck that is compliant at the commencement of a journey may inadvertently become non-compliant as livestock move in transit. While total weight may barely change, some weight may shift from one axle group to another. Yet, while axle groups variation is to be expected, loading via a uniform density method and penning livestock within a trailer will minimise extremes, keeping all axle groups within a reasonable tolerance.

For these reasons, ALRTA asserts that axle mass limits are unnecessary under a national LLS. However, if road managers insist on the application of axle mass limits, a tolerance of at least 1 tonne must be allowed to deal with natural variation and movement within each load.

**Recommendation 11:** That axle group mass limits not be applied under a national LLS. If applied, a tolerance of at least 1 tonne will be necessary to deal with natural variation and movement within each load.

### 9.3 Gross Mass (Aggregate Mass)

ALRTA state member associations will put forward views in relation to preferred approaches to vehicle mass.

However, all state member associations agree that consignors, rather than operators, are best placed to estimate livestock mass and should be required to supply drivers and operators with a written weight declaration.

Livestock are generally traded on a weight basis and are often produced to specifications demanded by buyers. Consignors have far more information than transport operators in this regard and for this reason are better able to estimate livestock weights to within a much tighter tolerance.

As it currently stands, there is a strong motivation for consignors to under-estimate livestock weight or claim complete ignorance when booking transport services. While ignorance may indeed be a factor, a significant number of consignors seek to minimise transport costs by misrepresenting weights and insisting that operators load to higher than allowable densities. This is one of the primary concerns of transport operators and road managers in terms of ensuring that volumetric loading allowances are not abused.

ALRTA argues that an important integrity measure for a national LLS will be to require all consignors to supply a weight declaration to the driver or operator. This will have multiple benefits:

- 1) **Awareness:** all consignors will need to be aware of mass and/or density limits that apply to livestock movements as well as chain of responsibility obligations.

- 2) **Accuracy:** requiring a declaration will compel consignors to more carefully consider and disclose livestock weights prior to presenting animals for loading.
- 3) **Compliance:** Overloading risks will be greatly reduced.
- 4) **Enforcement:** Statutory weight declarations will comprise evidence about what a consignor did or did not know about the load, assisting chain of responsibility investigations.

ALRTA understands that proposed changes to the HVNL recently agreed by Ministers will enshrine a new power to establish specific safety obligations for specific chain parties. A good use of this power would be to compel the production of livestock weight declarations as part of a new national LLS.

Similarly to the current laws relating to container weight declarations, ALRTA would expect that transport operators could to rely on a livestock weight declaration provided by a consignor and there would be significant penalties for false declarations (outside of a reasonable tolerance).

**Recommendation 12:** That a national LLS should compel consignors to supply a livestock weight declaration to a transport driver or operator. The driver or operator should be entitled to rely on the livestock weight declaration with false declarations attracting significant penalties.