

20 September 2022

National Heavy Vehicle Regulator
PO Box 492
Fortitude Valley QLD 4006

By email: info@nhvr.gov.au

To whom it may concern

Thank you for the opportunity to provide feedback on the National Heavy Vehicle Regulator's (NHVR) review of the state-based heavy vehicle livestock loading arrangements.

The RSPCA is Australia's most trusted animal welfare charity and has been engaging with governments, regulators and the community to improve animal welfare across the nation for more than 150 years. Our federation comprises RSPCA Australia as well as state and territory RSPCAs.

The RSPCA supports the development and implementation of consistent national animal welfare standards. While we commend the NHVR's efforts to standardise arrangements, it is imperative that animal welfare is considered and improved within the revised arrangements as opposed to taking a singular focus on industry.

Animal welfare is important to Australians. Research shows that community concerns on the treatment of animals used in production is increasing (Futureye, 2018). Therefore, it is incumbent on regulators to ensure that the welfare of animals is both considered and protected at every stage of the supply chain and is adequately reflected in any regulatory arrangements.

We note that improving safety, productivity and efficiency for the livestock transportation industry is a key objective of the review. Incorporating best practice animal welfare and handling into transport, mass dimension and loading arrangements will improve the safety, productivity and efficiency of your workforce as well as improving animal welfare. The following pages outline our recommendations to ensure the welfare of animals loaded, transported and unloaded is protected and not subordinated to efficiency and productivity.

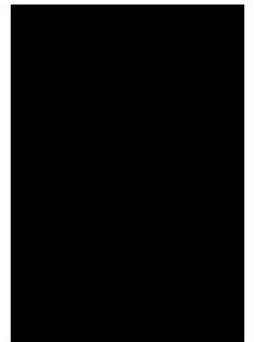
This submission addresses questions raised within Sections 6, 7, 8 and 9 of the Discussion Paper.

In summary, we have provided 12 recommendations and outline the basis of each in the following pages.

Recommendation 1: That the NHVR apply the universal definition of "livestock" to its arrangements in alignment with the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock.

Recommendation 2: That Table 1 be updated to include all animals who are transported by truck.

Recommendation 3: That NHVR develop a driver training program with nationally endorsed units of competency, including one for animal welfare, that is endorsed by the Australian Skills Quality Authority.



Recommendation 4: That Section 7.7 be updated to:

- a. Include a regulatory condition for proof of successful completion of a nationally recognised driver training program within a HVNL notice.
- b. Retain animal welfare in HVNL notice conditions and explicitly state that adherence to animal welfare laws is an integral and enforceable condition.

Recommendation 5: That pre-transport stock preparation be included as a national condition required across all states and territories to ensure animals can withstand the transport process.

Recommendation 6: That pre-transport stock preparation include requirements to ensure that animals are:

- a. Fit to load for the intended journey
- b. Provided access to water until loading commences and
- c. As appropriate to the species, provided access to dry feed.

Recommendation 7: That the term 'loading closely together' under Section 8.6 be defined in NHVR's arrangements and specify, as an absolute maximum, the density limits outlined in the land transport Standards and Guidelines.

Recommendation 8: That the density limits outlined in the land transport Standards and Guidelines be used as an absolute maximum to determine and ensure that vehicles comply with mass limits, noting that these space allowances should be subject to urgent review.

Recommendation 9: That if volumetric loading is adopted, it should include general conditions on loading density as per the guidelines in the land transport Standards and Guidelines.

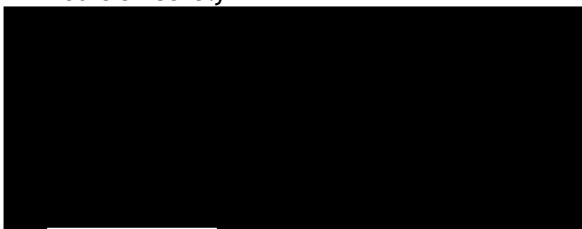
Recommendation 10: That the species-specific loading densities included as guidelines in the land transport Standards and Guidelines be subject to urgent review and further research to ensure that animals have enough room to stand comfortably, maintain their balance, thermoregulate and can lie down and stand up again without risk of injury.

Recommendation 11: That the NHVR consider the national adoption of NSW's Farm Gate Access initiative.

Recommendation 12: That decking requirements for all species should be included to ensure adequate vertical clearance for each species of animal to stand upright using normal posture and prevent any part of the animal touching overhead structures.

We welcome any questions or the opportunity to meet to ensure animal welfare is considered and incorporated into any new arrangements.

Yours sincerely



Senior Scientific Officer (Farm Animals)
RSPCA Australia

Review of Livestock Mass, Dimension and Loading Arrangements - Discussion Paper

RSPCA Australia submission

SECTION 6 - DEFINING LIVESTOCK

1. *Have the notices/information bulletins covered all types of livestock farmed in Australia, where transport efficiency would rely on heavy vehicles to operate at a mass or dimensions above regulated limits? If not, which other livestock breeds should be considered?*
2. *Are there any potential issues with Option 2 about which the NHVR should be made aware?*
3. *Does Table 1 list all types of livestock that would benefit from being included in livestock notices and livestock loading schemes, or are any missing?*

We prefer 6.2.2 Option 2: National uniform livestock definition.

The [Australian Animal Welfare Standards and Guidelines - Land Transport of Livestock](#) include in their scope the major commercial livestock species in Australia, namely: alpacas, buffalo, camels, cattle, deer, emu, goats, horses, ostrich, pigs, poultry (meat chickens, layer hens, turkeys, ducks, geese, pheasants, guinea fowl, partridge, quail and pigeons) and sheep. A universal definition of livestock in line with the land transport Standards is preferred and the “list of approved animals” referred to in the Discussion Paper must include all animals who are transported by truck (Table 1 does not meet these criteria).

Recommendation 1: That the NHVR apply the universal definition of “livestock” to its arrangements in alignment with the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock.

Recommendation 2: That Table 1 be updated to include all animals who are transported by truck.

SECTION 7 - THE REGULATION OF CONDITIONS WITHIN A HVNL NOTICE

4. *Considering the respective roles of the HVNL/NHVR, and those other laws (e.g., for animal welfare protection) and their state and territory regulators (transport agencies or otherwise) - which of the two options would be best?*
5. *Is there evidence to support safer outcomes of mandating livestock loading driver training? Or are workplace health and safety laws, and the HVNL general safety duty adequate to ensure drivers are appropriately trained and skilled?*
6. *Are the livestock loading schemes still required to regulate conditions outside the powers of the NHVR? If so, what purpose would the livestock loading schemes serve and which organisation should administer them? What other options are there to manage scheme enrolment?*
7. *After enrolment in a scheme, when is unladen vehicle tare mass checked?*

The RSPCA does not agree with either option listed under Section 7.7.

Driver training - We suggest there should be a regulatory condition for proof of successful completion of a nationally recognised driver training program within a HVNL notice. We also suggest the development of a driver training program with nationally endorsed units of competency, including one for animal welfare, that is endorsed by the Australian Skills Quality Authority.

Animal Welfare - We suggest leaving animal welfare in HVNL notice conditions, as although operators must comply with animal welfare laws whether they are included or not, it is important that the regulatory body (NHVR) state that adherence to animal welfare laws is an integral and required condition, which will be enforced by other agencies.

We note that livestock loading conditions in NSW (Appendix 4) require “pre-transport stock preparation”. We recommend that this be a condition across all states and territories. This includes the legal requirement that animals are fit for the intended journey but should also consider providing animals with access to water until loading commences and, as appropriate to the species and reason for transport, (dry) feed, so that they are better able to withstand the transport process.

Recommendation 3: That NHVR develop a driver training program with nationally endorsed units of competency, including one for animal welfare, that is endorsed by the Australian Skills Quality Authority.

Recommendation 4: That Section 7.7 be updated to:

- a. Include a regulatory condition for proof of successful completion of a nationally recognised driver training program within a HVNL notice.
- b. Retain animal welfare in HVNL notice conditions and explicitly state that adherence to animal welfare laws is an integral and enforceable condition.

Recommendation 5: That pre-transport stock preparation be included as a national condition required across all states and territories to ensure animals can withstand the transport process.

Recommendation 6: That pre-transport stock preparation include requirements to ensure that animals are:

- a. Fit to load for the intended journey
- b. Provided access to water until loading commences and
- c. As appropriate to the species and reason for transport, provided access to dry feed.

SECTION 8 - MASS LIMITS

8. *How well are operators managing compliance with prescriptive numerical mass limits? Are there any particular challenges?*
9. *Are there regulatory requirements (other than the HVNL) affecting how operators manage livestock loading?*
10. *Are there any issues associated with livestock transport mass limits not addressed in this paper?*
11. *Do you agree with our assessments of volumetric loading and its effect on road infrastructure?*

We prefer 8.8.2 Option 2: Volumetric mass limits, with caveats

Section 8.6, ‘Volumetric loading is more practicable’, mentions the need for animals to be loaded closely together. It should be noted that where animals are loaded too tightly this makes it difficult if not impossible for any animal that has fallen to get up again. Thus ‘loading closely together’ is ill-defined, open to interpretation and, if not carried out properly, risks animal welfare. There are density limit guidelines in the land transport Standards and Guidelines relating to body weight and, as a starting point, these should be used as an absolute maximum to determine and ensure that vehicles comply with mass limits. We also suggest that, if volumetric loading is adopted, it should include general conditions around loading density, for example, as per the guidelines in the land transport Standards and Guidelines. It is important that any negative impact of operator decision as to the number of animals loaded into the available space is minimised.

With reference to the species-specific loading densities included as guidelines in the land transport Standards and Guidelines, we strongly recommend that these be subject to urgent review and further research. Space requirements on board transport vehicles must take into consideration the minimum amount of space an animal needs to stand comfortably, maintain their balance, thermoregulate and, where required, be able to lie down and stand up again, e.g., for long-haul journeys, without risk of injury.

Recommendation 7: That the term ‘loading closely together’ under Section 8.6 be defined in NHVR’s arrangements and specify, as an absolute maximum, the density limits outlined in the land transport Standards and Guidelines.

Recommendation 8: That the density limits outlined in the land transport Standards and Guidelines be used as an absolute maximum to determine and ensure that vehicles comply with mass limits, noting that these space allowances should be subject to urgent review.

Recommendation 9: That if volumetric loading is adopted, it should include general conditions on loading density as per the guidelines in the land transport Standards and Guidelines.

Recommendation 10: That the species-specific loading densities included as guidelines in the land transport Standards and Guidelines be subject to urgent review and further research to ensure that animals have enough room to stand comfortably, maintain their balance, thermoregulate and can lie down and stand up again without risk of injury.

SECTION 9 - ELIGIBLE VEHICLES

12. *Is Option 2 suitable to harmonise eligible vehicle types across borders? What other options are there?*
13. *Have we excluded any factors that should be used to assess vehicle eligibility for livestock transport?*
14. *How have jurisdictions assessed which vehicles to make eligible under their state notices?*
15. *Are there options to better utilise PBS vehicles in livestock transport and overcome the identified barriers?*

We prefer 9.6.2 Option 2: National uniform set of eligible vehicles

The RSPCA supports the implementation of measures that create more efficient and seamless access across state/territory borders that result in less transit time for the animals. We believe there is potential for better animal welfare outcomes if other states/territories adopted the NSW Farm Gate Access initiative, addressing first and last mile access.

Decking requirements for all species of animals transported need to be included. For example, the number of decks available to carry the 'approved animals' must depend on sufficient vertical clearance being available for those animals to stand upright using normal posture and to prevent any part of the animal touching overhead structures. We oppose the transport of horses and camels in multi-deck vehicles.

Recommendation 11: That the NHVR consider the national adoption of NSW's Farm Gate Access initiative.

Recommendation 12: That decking requirements for all species should be included to ensure adequate vertical clearance for each species of animal to stand upright using normal posture and prevent any part of the animal touching overhead structures.

ENDS