

15 August 2019

Mr Peter Harris
Expert Panel Chair
Heavy Vehicle National Law Review
National Transport Commission
Level 3, 600 Bourke Street
Melbourne, VIC 3000

Dear Mr Harris,

The Australian Livestock Markets' Association (**ALMA**) welcomes the opportunity to provide feedback on the National Transport Commission's 'Effect fatigue management' issues paper.

ALMA is the peak body for the saleyard and lairage industry, representing and promoting the interests of saleyard and lairage owners and operators at all levels of government and stakeholder engagement. Our members provide livestock exchange (saleyard and lairage) infrastructure to around 1,200 stock and station agents and tens of thousands of livestock producers in NSW, Northern Territory, Queensland, South Australia, Victoria and Western Australia. Many of our members are local government entities, but ALMA also represents private operators both large and small.

Under the Heavy Vehicle National Law (HVNL) and current transport chain of responsibility saleyard owners could be considered to be a 'loading manager' as they own the premises where heavy vehicle movements occur. What is less understood though, is that whilst saleyard owners typically maintain the premise infrastructure, they do not necessarily have any involvement in or control over the actual sale of livestock itself, nor their arrival or dispatch post sale by livestock transporters. Saleyard managers, typically engaged by saleyard owners have a primary role in animal welfare and facilities maintenance.

As background to ALMA's comments it is important that the steps involved in the livestock sale process within saleyards are understood clearly as to are where the saleyard owner is actually involved.

Saleyard owners merely provide a facility where livestock agents conduct the business of selling livestock on behalf of vendors. Livestock transporters (some being classed as heavy vehicles) engaged by either agents or vendors deliver livestock to the saleyard, where they are sold. Buyers (and or their agents) then organise the transport of purchased livestock from the saleyard facility.

Currently the HVNL specifies that managing driver fatigue is a responsibility shared by all parties in the chain of responsibility and those parties must take all reasonable steps to make sure a person does not drive a fatigue regulated heavy vehicle while impaired by fatigue.

It seems absurd that saleyard owners are implicated in the transport chain of responsibility as 'loading managers' simply because they own and maintain saleyard infrastructure and regardless of the fact that they are not involved with the loading/unloading of transport of livestock transacted through the facilities that they own.

Nonetheless, ALMA supports the premise of a nationally consistent heavy vehicle law that ensures safe and efficient heavy vehicle movements. ALMA does however strongly believe that regulatory activities should fall on those in the supply chain who actually conduct, control and/or are responsible for relevant transport activities.

With respect of effective fatigue management ALMA's comments focus on animal welfare ramifications more broadly. Currently, the HVNL has a one size fits all approach with limited flexibility to cater for the diverse range of heavy vehicle movements in Australia with little thought given in its creation to the non-static nature of loads such as livestock nor their unique welfare needs.

Additionally, the Australia Animal Welfare Standards and Guidelines cover the '*transport of livestock by road and rail, and by livestock transport vehicle aboard a ship. They apply to the major commercial livestock industries in Australia and to all those responsible for the care and management of livestock that are transported, including drivers, transport companies, owners, agents and livestock handlers at farming enterprises, depots, saleyards, feedlots and livestock-processing plants. The chain of responsibility for livestock welfare in transport begins with the owner or their agent, and extends to the final receiver of the livestock*'.

The welfare of livestock during transport is impacted by multiple factors including but not limited to their time off water and feed, non-controllable external environmental factors such as heat and rain and can also be impacted by human imposed circumstances such biosecurity livestock standstills.

The livestock transport process includes activities from the time that livestock are first deprived of water before loading, until the time that livestock have access to water at the end of the journey. At all times, livestock must be handled to prevent injury and minimises stress. These principles apply to all journeys involving livestock.

The driver or transporting company is responsible for the livestock from the point of loading of livestock (including inspection and assessment of livestock during loading), to the point of unloading and notifying the receiver of the livestock at the destination.

Where the HVNL is currently lacking is that on occasion fatigue management can conflict with animal welfare requirements and there is no clarity within the existing Law around flexible mitigation options for either a fatigued operator nor the livestock in their care.

The National Heavy Vehicle Regulator (NHVR) is empowered to exempt drivers and operators from work and rest requirements (part 6.3, Division 8 of the HVNL) and has specifically through the creation of the National Livestock Welfare Work and Rest Exemption Notice 2017 (expiry date 9 February 2020) provided a mechanism to exempt drivers of fatigue-regulated heavy vehicles carrying livestock from specified work time requirements if additional time is needed to respond to situations where the welfare of the livestock is or was at risk.

In the context of livestock as 'goods' under the current HVNL little consideration or thought has been previously given to the needs of nor the unique manner in which livestock are transacted and transported in Australia. There is still greater need for discussion and clarity to be provided within the actual constraints of the Law. The review of the HVNL provides an ideal opportunity to incorporate animal welfare considerations and address the shortcomings of the existing law.

Your sincerely,



Kate McGilvray
Executive Officer, Australian Livestock Markets Association