



OPENING COMMENT

As pointed out by the National Transport Commission (NTC) in its Discussion Paper, “the livestock supply chain is different to the movement of other types of freight, liquids, gasses and inert objects, which can be fully contained. Due to the live nature of animals, it is inevitable that they will release bodily fluids over the course of the journey.”

Cattle Council of Australia fully supports this practical observation, which is at the heart of the Council’s views elucidated in this submission.

ISSUE 1: CHAIN OF RESPONSIBILITY

a) NTC’s Option 1: Amend the definition of party in the chain of responsibility

Of particular relevance to the principle of ‘chain of responsibility’ as it relates to livestock transport is the almost-infinite number of variables affecting effluent quantities and effluent control measures throughout the mustering-to-destination transport continuum of each and every road journey. Only a small number of these variables can be identified as being the responsibility of any one operator, rendering the ‘chain of responsibility’ concept difficult to apply in a fair and equitable manner.

Relating to this, the practice of imposing fines on truck operators for ‘minor spills’ is inappropriate, as would be fining the suppliers of the cattle, or other so-called ‘parties’ involved in the shipment.

Cattle vendors do have a responsibility for applying appropriate curfew periods on livestock destined for transport. In assessing appropriate curfew periods, they must take into account the issues of pre-transport mustering and holding, within-transport effluent control, the length of the journey the welfare of the animals being shipped, available facilities at the point of disembarkation, and eating quality of post-slaughter products. Curfew periods relevant to some of these priorities can conflict with those of others.

While Cattle Council agrees with the NTC statement that,

If the livestock production chain is to effectively minimise effluent spillage then all stakeholders need to be involved in developing and providing effluent minimisation solution” (p. 5),

it questions the statement that follows:

To provide the correct incentives for this to happen, legal responsibility (CCA’s emphasis) for effluent management needs to be shared across the stakeholders. Clarification of chain of responsibility duties for animal preparers can be seen as an important first step towards a broader strategy for effluent control on Australian roads.

Cattle Council fails to see how the introduction of legislation and associated additional paperwork and punitive measures will in any way provide producers with the incentives they need to make appropriate choices.

As a result of experiences that have affected producers directly, and because of programs driven by their organisations, producers’ awareness of animal health, welfare and biosecurity has increased considerably over the past few years. A well-orchestrated, well-funded awareness program, coupled with market-driven incentives where possible, will prove far more acceptable and successful for effluent control than additional legislation that is highly likely to yield resentful adherence at best.

In summary, Cattle Council opposes any effort being expended on clarifying ‘chain of responsibility’ (NTC’s Option 1) where such clarification is done for the purpose of imposing punitive measures on parties while ever their responsibility for a spill is unclear.



b) NTC's Option 2: Amend section 111 to specifically include other chain of responsibility parties

Given the likely difficulty in determining individual's responsibility for most effluent-related transgressions within the transport continuum, actioning Option 2 could be seen as a cynical attempt to continue applying unwarranted sanctions (fines) but spreading the financial burden over a wider group of people in order to lessen any political pressure points.

Cattle Council therefore also opposes amendments to Section 111 (NTC's Option 2) as a means of casting the punitive net over a wider group of 'parties' who would be brought into the chain of responsibility.

ISSUE 2: MINOR, INCIDENTAL AND UNAVOIDABLE EFFLUENT SPILLS

c) NTC's Option 3: Allow for a minor, incidental or unavoidable loss of part of a load

To use the NTC's own words, "Even better preparation of livestock is unlikely to completely stop incidental effluent loss during transport. It is almost inevitable that some effluent loss will occur during a live animal transport journey." (p. 6)

It is totally unrealistic to expect operators of livestock-transport journeys, other than those over short distances, to eliminate effluent spills entirely. Even over short distances, animals pressed close to the perimeter of the crate will occasionally deliver part of their excretion through the side of the crate.

Cattle Council is unaware of any proven evidence of such minor spills affecting public safety and/or the environment.

For the above reasons, Cattle Council supports the Heavy Vehicle National Law being amended (NTC's Option 3) to remove any risk of transport operators being penalised under Section 111 for such minor incidents that have no proven impact on safety or the environment.

OTHER ISSUES

While outside the scope of NTC's three options and its Discussion Paper more generally, two suggestions put to the NTC review by other organisations deserve consideration and have Cattle Council support.

Effluent dumps

There is a dire need for the strategic development of a network of effluent dumps on designated routes used by livestock transporters. Initial focus should be on zones close to urbanised areas.

With all the will in the world, livestock trucks that carry effluent holding tanks have little to no chance avoiding overflow on long journeys, especially in heavy rain; they must have periodic opportunities to dump their effluent load at sanctioned dumping sites where the effluent can be managed and, if empty, trucks washed.

Commercialisation of effluent

Industry should be prepared to research methods of processing the effluent from dump sites so that it can be put to commercial use as fertiliser, biofuel, compost or the like. While this would be an industry responsibility, NTC's acknowledgement of such an initiative would be valuable.

