

# Livestock Transporters Association of SA Inc.

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## DRIVING HOURS VERSUS WELFARE OF FARM ANIMALS UNDER THE NEW HEAVY VEHICLE DRIVER FATIGUE LAWS IN SOUTH AUSTRALIA

### **Work and rest limits**

The forthcoming changes to driving hours legislation will have a serious impact on transporters of livestock due to the limitations implicit in standard hours, basic and advanced fatigue management requirements. This will particularly be the case when drivers are affected by animal welfare problems beyond their control during the trip causing either their working day to exceed the allowable limits or placing the animals at risk by staying within the mandatory hours. Such stops will stress animals and cause significant fatalities and health issues (e.g. pigs shedding salmonella bacteria if off feed too long and stressed).

The evidence supporting an exemption from the mandatory work and rest hours that was granted under the *Driving Hours and Records for Heavy Trucks carrying live farm animals as their primary load*, March 2002, remains as relevant under the new legislation as it did in 2002. Drivers have no control over the preparation of animals for travel, nor for the animal welfare problems that are exacerbated when they are poorly prepared for the trip. Furthermore, the changing road conditions in the very remote areas of the State can also add to unexpected and unmanageable delays due to the lack of reliable reports. All these problems, although infrequent and only affecting an estimated 2% of the work time, will continue to extend their working day beyond the new allowable limits under Basic Fatigue Management. Livestock will be at risk if drivers are “forced” to stop at the roadside to comply with driving hours legislation and the drivers will risk prosecution for infringement of animal welfare legislation.

Whilst adoption of Advanced Fatigue Management (AFM) is to be the “legal” process for these circumstances the LTASA members advice and assessment is that AFM is not an appropriate option for their unique operational demands that will require minimal utilisation (no more than 2% of the work time) of AFM. The more complex structure of AFM and its associated higher management overheads is an excessive control method.



It is the Livestock Transporters Association of South Australia view that the following is an appropriate, responsible and reasonable approach to the problem:

1. The current exemption for work and rest hours granted on 28 March 2002 be extended and the existing conditions remain in place, plus
2. livestock transporters wishing to take advantage of the exemption must become accredited under the Basic Fatigue Management standards;

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3. where there is no alternative other than to exceed the permitted working hours, a driver must stop to consider their condition to continue driving in a safe manner and only continue where they and other road users are not placed at increased risk. The welfare of animals must not be of higher priority;
4. where the extended hours (greater than 14 hours of work) are utilised each driver must record the actual work time in the Work Diary and the reasons that caused the need to exceed the Basic Fatigue Management work and rest hours, and
5. the records are to be checked by the auditor at the next compliance audit and the details noted in the audit report.

The Association is not aware of any evidence that suggests or indicates that the current exemption has caused increased safety risks.



## Summary

Livestock operators will occasionally be unable to meet the requirements of the Basic Fatigue Management standards due to unforeseen events that will occur as a result of delays resulting from:

- Having to respond to unpredictable animal health and welfare issues.
- Delays due to unreported poor road conditions in remote areas.

Adoption of Advanced Fatigue Management is inappropriate due to its more complex structure and associated higher management overheads. It is the Livestock Transporters Association of South Australia view that an exemption similar to the current one granted on 28 March 2002 is a responsible and reasonable approach to the problem.

### ***The LTASA is seeking:***

*Exemption from the mandatory work and rest hours prescribed in the Basic Fatigue Management standards subject to mutually acceptable conditions.*