Understanding the Effluent Code

WHAT IS THE EFFLUENT CODE?

In December of 2022 the 'Managing Effluent in the Livestock Supply Chain Code' (Effluent Code) was endorsed for registration by the National Heavy Vehicle Regulator. If you are a party in a supply chain where livestock is transported, the 'Effluent Code' establishes what you should know about the risk of effluent loss in transit, and what is reasonably practicable to do in preventing it.

"The 'Effluent Code' is a practical guide that helps livestock transporters and other parties in the livestock supply chain meet their primary duty and other obligations under the Heavy Vehicle National Law (HVNL) when managing livestock effluent during road transport"

Sal Petroccitto – NHVR CEO

WHY IT IS IMPORTANT?

The Effluent Code may be used as admissible evidence in a proceeding in accordance with s.632 of the Heavy Vehicle National Law, as a Registered Industry Code of Practice establishes what is reasonably "known about a hazard or risk, risk assessment, or risk control" and "what is reasonably practicable" in meeting your primary duty obligations outlined in s.26C.

WHY MAKE THE EFFLUENT CODE?

Effluent is an unavoidable by-product when transporting livestock by road.

Not only is effluent spillage considered a load restraint breach under HVNL, but it can pose significant risk to other road users, pedestrians and cyclists, and result in environmental contamination and reputational harm.

The management of effluent loss has historically focused on the carrier, and what they do (or don't do), to reduce the occurrence of significant effluent loss.

The Effluent code seeks to acknowledge the role that all parties play in managing effluent when transporting livestock, and to provide guidance on what can reasonably be done by all parties to prevent significant effluent loss.

Parties involved in transporting livestock include:

- Carriers
- Abarroirs
- Feedlots
- Farms
- Livestock producers
- Food processing plants

SHARED PRINCIPLES WITH THE 'MASTER CODE'

- Upholds the principles of 'Chain of Responsibility'
- Parties with influence or control of transport activities have a 'primary duty' to eliminate or minimise public risks with the use of a heavy vehicle on the road and to not cause or encourage breaches of the law
- Shared responsibilities - there is more than one party whose activities influence the safety of a heavy vehicle.

KEY DIFFERENCES TO THE MASTER CODE

- The Effluent code is (you guessed it), concerned only with activities that relate to effluent
- Does not attribute responsibilities to duty holders identified under HVNL, but rather establishes key activities where duties exist, as multiple duty holders participate in each activity.
- **Does not** evaluate how other parties' actions can impact:
  - Speed
  - Fatigue
  - Mass
  - Dimension
  - Vehicle Standards

ACTIVITIES IN THE EFFLUENT CODE

The Effluent Code details the known risks and reasonably practicable controls for managing effluent by identifying the main 'activities' undertaken as part of livestock transport, and exploring what should occur during those activities by involved parties. These activities and associated requirements are summarised below:

1. CHOOSING A LIVESTOCK TRANSPORTER?

- Choose one that will help minimise the risk of spillage, has experience in transporting livestock and complies with the requirements of the Land Transport Standards
- Should have a vehicle fitted with effluent containment tanks and equipment for minimising effluent spillage

2. PREPARING LIVESTOCK FOR TRANSPORT

- Assess the need for a feed curfew to reduce spillage and apply the minimum curfew required before loading
- Reducing stress to livestock prior to transport
- Providing 'Livestock Preparation Information' prior to loading

3. FORMING CONTRACTS

- Include contract terms that assist in managing effluent and do not increase the risk of avoidable effluent load loss

4. CHOOSING AND MANAGING A LIVESTOCK TRANSPORT VEHICLE

- Choose a vehicle with the correct capacity for the livestock to be transported and a containment tank with sufficient capacity for the anticipated volume of effluent
- Tanks are most effective when there is access to disposal facilities and clean water
- Empty tanks regularly and have an operating procedure (trailer is clean, tanks and drains are operational)

5. PLANNING AND SCHEDULING THE JOURNEY

- Develop and share a Journey Plan, Livestock Spelling Plan (managing the welfare of livestock, e.g. time off water) and Route Variation (if risk of spillage is high)

6. LOADING LIVESTOCK

- Minimise livestock stress
- Monitor livestock loading densities, maximising vehicle stability and livestock comfort (don't overload or underload)

7. TRANSPORTING LIVESTOCK

- Minimise the amount of effluent in trailers at the start of the journey and check that containment tanks are operational
- Require Livestock Preparation Information (when and what they ate) and follow the Journey Plan and Livestock Spelling Plan
- Drive in a way that reduces the risk of effluent loss

8. FORMING CONTRACTS

- Provide info and training to employed drivers and subcontractors (managing effluent in transit, legal requirements, safety outcomes from preventing load restraint breaches)
- Induction for new drivers (employees and subcontractors) e.g., low-stress livestock handling techniques, risk-reducing driving, use of containment system
- Monitor whether drivers check tanks, dispose of effluent in a facility, monitor effluent accumulation

9. MANAGING LIVESTOCK TRANSPORT DESTINATIONS (FARMS, SALEYARDS, FEEDLOTS, ABATTOIRS)

- Manage yarding (unloading) times to minimise delays and provide livestock with access to water
- Ensure accurate information is received on how livestock has been prepared for transport
- Share information (hot spots - roads with high-risk or high consequence for effluent loss, availability of disposal/truck wash facilities

10. ASSURANCE

- Monitor, record and assess incidents of significant spillage in discussion with relevant parties
- Reduce the risk of spillage by adjusting procedures, equipment or information-sharing
- Train employees on changes to procedures, and ensure employee competency in tasks
- Monitor the effectiveness of changes to procedures
- Provide feedback to the journey scheduler to help better manage risk on future journeys

For more information

Resource	Location
Effluent Code of Practice	• https://www.nhvr.gov.au/files/media/document/83/202212-1326-managing-effluent-in-the-livestock-supply-chain-ricp.pdf
Australian Animal Welfare Standards and Guidelines - Land Transport	• https://animalwelfarestandards.net.au/wp-content/uploads/2023/08/Land-transport-of-livestock-Standards-and-Guidelines-Version-1.-1-21-September-2012.pdf
Heavy Vehicle National Law	• https://www.nhvr.gov.au/law-policies/heavy-vehicle-national-law-and-regulations
Master Code	• https://www.nhvr.gov.au/files/ricp-master-code.pdf

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