



08 October 2026

NSW Government
Department of Primary Industries and Regional Development

Via: agbioconsultations@dpiird.nsw.gov.au

RE: Biosecurity (National Livestock Identification System) Regulation 2017

The Livestock, Bulk and Rural Carriers Association (LBRCA) represents rural carriers performing some of Australia's most essential and challenging freight tasks, including the movement of livestock, grain, agricultural inputs, bulk commodities and other freight throughout remote, rural and regional Australia.

Our members operate at the first and last mile of agricultural supply chains and, in many cases, across the entire freight journey. They depend on safe, reliable and productive road networks and interact extensively with railheads, ports, saleyards, processors, farms, feedlots, grain facilities and intermodal terminals.

Livestock carriers move cattle, sheep, goats and other livestock between farms, saleyards, feedlots, depots, spelling and assembly facilities, abattoirs, processors and other destinations. These movements frequently involve long distances, multiple vehicles, temporary holding, fatigue management requirements, animal welfare considerations, weather events, road closures and limited telecommunications coverage.

LBRCA's submission focuses on ensuring that strengthened livestock traceability is accompanied by clear, proportionate regulatory responsibilities that reflect the practical realities of livestock transport, and the matters carriers can reasonably control.

Yours sincerely,

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Submission on the proposed remake of the
Biosecurity (National Livestock Identification System) Regulation 2017

**Livestock, Bulk and Rural Carriers Association
8 October 2026**

Submitted to:
NSW Department of Primary Industries and Regional Development



Executive summary

The Livestock, Bulk and Rural Carriers Association (LBRCA) supports an effective National Livestock Identification System (NLIS) and stronger livestock traceability.

However, stronger traceability should not transfer responsibility for livestock identification, source data or producer compliance to transport operators who do not control those matters. LBRCA acknowledges that livestock carriers are a critical operational link in the traceability chain.

LBRCA's central position is that regulatory responsibility should follow control and practical capacity to comply. A carrier should be accountable for matters within the carrier's control, while owners, consignors, facility operators and receivers should remain accountable for the information, identification and reporting functions they control. These changes need to reflect how livestock move through regional NSW and Australia. Penalty regimes should reflect the real-world transport of livestock and commercial realities.

The consultation paper proposes converting existing mandatory measures into specific penalty offences and new offences for failing to give information and failing to keep a record. The holding yard delivery obligation is the most direct new carrier obligation and is significant. LBRCA therefore seeks targeted drafting and implementation safeguards. These safeguards would preserve traceability while preventing drivers from becoming de facto NLIS compliance officers.

1. Overall position

LBRCA welcomes the opportunity to comment on the proposed remake of the Biosecurity (National Livestock Identification System) Regulation 2017.

LBRCA acknowledges the objectives identified by the NSW Government:

- stronger livestock traceability and biosecurity outcomes
- closer alignment with national livestock traceability standards
- clearer and more contemporary regulatory requirements.

LBRCA also supports the principle that the NLIS should enable livestock to be traced quickly and accurately during a biosecurity incident, disease outbreak, food safety event or other traceability response.

The proposed Regulation should, however, carefully distinguish between the responsibilities of the livestock owner or consignor, the livestock carrier, a holding yard operator, and the receiver. Shared responsibility should not mean undifferentiated liability or transfer of risk to the livestock carrier, particularly as it relates to regulatory compliance and any penalty regime.

LBRCA does not support Option 3. Under that option, rule-making, monitoring and compliance would rest with industry bodies, producers, agents, saleyards, abattoirs and



exporters. Carriers are not identified among those participants, yet carriers would be expected to operate within whatever arrangements those parties put in place.

LBRCA also notes that the consultation paper's assessment of costs to industry under Option 2 identifies producers, holding yard operators, saleyards, abattoirs, exporters, livestock vendors and goat depot operators, but does not identify livestock carriers. In practice, several of the proposed changes, particularly the holding yard provisions and the removal of the vehicle transfer exception, will be carried out by carriers.

LBRCA prefers Option 2 in principle, subject to amendments that clearly allocate regulatory responsibility, protect carriers from liability for matters outside their control, and preserve practical arrangements for temporary livestock movements. These safeguards are necessary to ensure improved traceability does not impose disproportionate obligations or costs on livestock transport operators.

LBRCA asks that the final assessment of costs and benefits take carrier costs into account.

2. Regulatory responsibility should follow control

The existing framework appropriately recognises that the owner of livestock is responsible for preparing and retaining movement information and, where another person delivers the livestock, providing the relevant information to that person.

That distinction should be retained and made explicit throughout the remade Regulation. LBRCA's view is that a carrier acting reasonably in reliance on information supplied by an owner or consignor should not incur regulatory liability for inaccuracies, falsehoods or material deficiencies in that information, unless the carrier knew or reasonably ought to have known of those deficiencies.

A driver ordinarily arrives after livestock have been selected, identified and prepared for movement. The driver relies on the animals and information presented by the owner or consignor at the point of collection. The driver is generally not in a position to independently establish whether each animal has the correct identifier, whether an identifier is accurately registered in the NLIS database, or whether the source information supplied by the consignor is complete.

Similarly, a carrier should not incur liability solely because livestock presented for transport have a missing, defective, incorrectly applied or otherwise non-compliant identifier where the carrier did not cause the deficiency and could not reasonably identify or rectify it.

3. Sheep and goat eID: carriers should not become compliance officers

NSW is transitioning to a mandatory individual eID for sheep and goats. Current NSW requirements already include eID for sheep and goats born from 1 January 2025, individual property to property transfers for electronically identified animals, and scanning and upload



requirements for relevant facilities. From 1 January 2027, all sheep and goats leaving a property will generally require eID.

LBRCA supports improved traceability from eID. The operational role of the carrier must nevertheless remain clear, and safeguards as outlined in the previous section.

The Regulation should not require a carrier to be subject to additional identification, scanning or verification obligations merely because it transports livestock. Where a carrier separately agrees to provide such services, its responsibilities should be clearly defined and limited to the functions it undertakes. The Regulation should not require a driver to:

- scan individual livestock before loading
- reconcile individual eID numbers against a consignment
- determine whether an eID is correctly registered in the NLIS database
- replace missing or defective devices
- verify Property Identification Code (PIC), ownership or source information supplied by the consignor
- resolve an upstream NLIS error before the transport task can proceed, except where movement is expressly prohibited and the carrier knows that prohibition applies.

The primary legal obligation to ensure livestock are properly identified before movement must remain with the owner or person presenting the livestock for transport. A carrier must not serve as the default compliance backstop merely because it is the last party to handle the livestock before delivery.

4. Movement documents and electronic information

LBRCA supports accurate movement information, and this is not exclusive to the NLIS scheme. NSW currently recognises movement documents, including National Vendor Declarations (NVD/eNVD), Transported Stock Statements (TSS), approved carrier consignment notes, and saleyard outward movement records, in relevant circumstances.

The remade Regulation should avoid duplicating information across NLIS records, NVDs, TSSs, and other documents. The carrier's role should primarily be to receive, carry and provide the movement document or information that accompanies the consignment where required.

Responsibility for originating information about ownership, PICs, livestock identification, source and destination should remain with the person who possesses and controls that information.

Electronic documents should be recognised on an equivalent basis to paper documents. The system should also provide an offline capable or retrospective compliance pathway where electronic records cannot be accessed because of telecommunications or system failure.



LBRCA notes the proposal to allow the Secretary to approve additional documents as NLIS movement documents. LBRCA asks that this power be used to recognise electronic movement documents on an equivalent basis, and that carriers be consulted before documents are approved.

5. Holding yards, transshipment and temporary stops

The proposed amendments are particularly significant for livestock transport because they introduce specific requirements for holding yards, including assembly yards, transit depots and transit centres. The consultation paper proposes that a person delivering livestock to a holding yard provide the operator with movement information.

It also proposes new documentation rules when livestock leave a holding yard, including new movement information where stock remain for more than seven days or where a consignment is split. In practice, the person who delivers livestock to a holding yard will usually be the carrier. Combined with the proposed new offence of failing to give information to another person (maximum penalty \$11,000, penalty notice \$1,000), this proposal would place a direct, penalty backed obligation on carriers. LBRCA submits that the carrier's obligation should be limited to handing over the movement information supplied to it by the owner or consignor, and that a carrier should not commit an offence where that information was not supplied to it, or was inaccurate, through no fault of the carrier.

Those obligations, and the requirement to keep the relevant movement documents for 2 years, fall on 'the person responsible for arranging the movement'. The consultation paper does not define that expression. A carrier that books or organises an onward leg could be said to arrange the movement. LBRCA asks that the expression be defined so that it refers to the owner, consignor or agent who directs the onward movement, and that it expressly excludes a carrier acting only on that person's instructions.

LBRCA supports closing genuine traceability gaps at holding yards. However, the Regulation must distinguish a genuine holding yard movement from an incidental transport event.

LBRCA submits that, except where the carrier is also the owner or consignor of the livestock, the carrier should not be the party required to prepare movement documentation for livestock transfers or be held liable for its accuracy.

The current Regulation contains a practical exception for livestock transferred between vehicles during transport and remaining at a property for less than 24 hours. The consultation paper proposes removing that exception in connection with the new holding yard provisions.

This matters because of the breadth of the proposed definition of holding yard: 'a property at which identifiable stock is held temporarily as part of their movement between other properties'. On its face, that definition could capture a property used for a spelling stop, a driver change or a vehicle transfer. The safe harbour sought below should therefore operate



as an exclusion from the holding yard definition, as well as from the movement information requirements.

LBRCA's concern is that removal without a replacement safe harbour could cause routine transport activities to trigger unnecessary documentation or NLIS transactions even where there has been no genuine change in ownership, destination or production property. This could create a new gap, uncertainty and layer of supply chain friction, even though it may not be intentional.

The remade Regulation should therefore provide a clear transport safe harbour for temporary unloading or vehicle transfer undertaken as part of the same transport task, including:

- vehicle-to-vehicle transshipment
- driver change or combination change
- spelling or rest required for fatigue management or animal welfare
- temporary unloading following a breakdown, crash or mechanical defect
- temporary relocation caused by a road closure, flood, fire, weather event or emergency direction
- short duration use of a depot, assembly point or other safe facility where the original consignment remains intact.

A temporary safety or welfare stop should not, by itself, be treated as a new commercial or production movement requiring duplicate traceability transactions. Where additional reporting is genuinely necessary, the obligation should rest with the party controlling the holding facility or arranging the onward movement, as applicable.

6. Meaning of 'person in charge'

The proposed regulatory framework continues to use the concept of a 'person in charge' in important identification and notification provisions. In a livestock transport context, the application of that expression requires careful consideration of the nature and extent of a carrier's responsibility and control.

In *Song v Coddington* [2003] NSWSC 1196, [65]–[66], the NSW Supreme Court considered the meaning of 'person in charge' under animal welfare legislation. The Court emphasised the importance of immediate responsibility or authority over the physical circumstances of animals, distinguishing this from the performance of limited administrative or regulatory functions.

While the decision concerned different legislation and circumstances, it illustrates the importance of identifying the nature and extent of a person's actual authority and control when allocating regulatory responsibility.



LBRCA acknowledges that livestock drivers may be persons in charge of animals during transportation, particularly in relation to their immediate physical management, safety and welfare. However, this should not automatically extend to responsibility for livestock identification, ownership, PIC information, NLIS database records or other compliance matters originating with owners, consignors or other supply chain participants.

LBRCA recommends that the remade Regulation expressly distinguish physical custody and operational control during transport from responsibility for information, identification and compliance obligations controlled by other parties.

A carrier should only be liable for an NLIS obligation where that obligation properly applies to the carrier, and the carrier has the authority, information and practical capacity necessary to comply.

This distinction is particularly important given the proposed penalty framework, including maximum penalties of \$11,000 and penalty notices of \$1,000. Enforcement should be directed towards the party responsible for the relevant obligation, rather than imposing liability on a carrier solely because it has physical custody of the livestock.

While the consultation paper notes that this maximum is lower than the maximum for a mandatory measure offence, the availability of penalty notices means enforcement action can be taken quickly, without a court first determining who was in fact responsible.

7. Emergencies and circumstances outside a carrier's control

Livestock transport operates in dynamic conditions. A vehicle may need to divert, unload or transfer livestock because of a breakdown, crash, bushfire, flood, road closure, animal welfare issue, fatigue risk, biosecurity direction or instruction from an authorised officer.

A carrier must not face an NLIS breach for taking reasonable action necessary to protect animal welfare, road safety or biosecurity, including where an emergency diversion, temporary unloading, transhipment or change of destination is required.

The Regulation or associated statutory guidance should expressly recognise a reasonable excuse pathway for these circumstances and permit retrospective documentation or reporting within a reasonable period after the immediate risk has been managed, having regard to overlapping legal obligations, including those arising under the Heavy Vehicle National Law.

8. Technology, connectivity and system failure

The transition to individual eID increases reliance on electronic devices, telecommunications and database availability. Continuous connectivity cannot be assumed across rural and regional NSW.

The implementation framework should expressly address:



- NLIS database outages
- eID reader or equipment failure
- mobile and internet outages
- locations without reliable connectivity and
- failure of an electronic document platform or other system outside the operator's control.

Where a person has taken reasonable steps to comply, a technology or connectivity failure outside that person's control should not result in enforcement action. A practical offline or retrospective reporting mechanism should be available.

9. Compliance, penalties and transition

The consultation paper proposes converting several existing mandatory measures into specific penalty offences, including requirements relating to properly identifying stock and notifying a saleyard or abattoir where stock is not properly identified. The proposed maximum penalty is \$11,000, with a \$1,000 penalty notice.

Given the simultaneous commencement of the remade Regulation and full sheep and goat eID requirements, LBRCA supports an education-first implementation approach for inadvertent or administrative non-compliance that does not create an immediate biosecurity risk. Our sector is managing a range of changes to critical legislative and regulatory requirements, and it is unreasonable to expect carriers to manage all these matters simultaneously, without error or fault.

Before commencement, DPIRD should publish carrier-specific operational guidance that clearly sets out:

- what the owner or consignor must do
- what the carrier must do
- what the holding yard or facility operator must do
- what the receiver must do
- who is responsible for each NLIS database transaction
- what each party should do when documentation, identification, technology or transport arrangements fail.

Guidance should include worked examples reflecting real livestock transport tasks, including split loads, multi-deck and multi-trailer movements, transshipment, depots, spelling, emergency unloading and interstate movements.

10. National consistency

Livestock transport is inherently cross-border. NSW requirements should align as closely as practicable with national traceability standards and with equivalent operational requirements in other jurisdictions.



Holding yard definitions, movement document rules, timeframes, eID responsibilities and emergency arrangements should not create avoidable state specific compliance steps for interstate carriers. Where NSW adopts a requirement that differs materially from another jurisdiction, implementation guidance should identify the difference clearly and explain the point at which the NSW obligation applies.

11. Operational and commercial impacts on livestock carriers

NLIS compliance failures do not only create regulatory consequences. They can impose immediate and material operating costs on a livestock carrier even where the carrier has complied with every obligation within its control.

If livestock are presented with deficient identification or documentation, or a receiving facility cannot accept a consignment because of an upstream NLIS failure, the transport task may be delayed, rejected, redirected or returned. The carrier may then incur detention and waiting time, additional driver wages, fuel and kilometres, fatigue management consequences, missed or rescheduled subsequent work, animal welfare management costs and additional cleaning, holding or unloading costs. In extreme cases the carrier may experience loss of business arising from interruptions caused by circumstances outside the carrier's control.

These impacts are particularly acute in livestock transport. A loaded livestock vehicle cannot simply be parked indefinitely while an administrative problem is resolved. Drivers remain subject to fatigue obligations, animals remain subject to welfare requirements, suitable unloading facilities may be limited, and an alternative destination may be a substantial distance away.

LBRCA strongly submits that the regulatory framework must not externalise the cost of another party's NLIS non-compliance onto the carrier. Where a delay, rejection, redirection, return movement or other additional transport task is caused by an identification, documentation, database or reporting failure attributable to an owner, consignor, facility operator, receiver or other supply chain participant, the carrier must not be treated as responsible for that failure merely because it has custody of the livestock.

Implementation guidance should expressly recognise that additional transport services generated by another party's non-compliance are not part of the carrier's original compliance obligation.

Commercial liability will ultimately depend on contractual arrangements and the circumstances of the movement, but the NLIS framework should not create an expectation that the carrier absorbs those costs.

Critically, enforcement action should be directed to the party that controlled the failed obligation. The fact that a carrier discovers, reports or physically manages the consequences of an upstream failure should not shift regulatory responsibility to the carrier.



Custody is not the same as regulatory control. A livestock carrier should be liable only for NLIS obligations that the carrier controls and has a practical capacity to discharge. Upstream compliance failures and the regulatory consequences of those failures must remain with the responsible party.

Recommendations

1. Retain clear responsibility on livestock owners and consignors for the accuracy of livestock identification, PIC and consignment information supplied to carriers.
2. Expressly protect carriers who reasonably rely on information supplied by owners or consignors, unless the carrier knew or reasonably ought to have known that the information was false or materially deficient.
3. Confirm that livestock carriers are not required to scan, reconcile, verify or replace individual eIDs merely because they transport livestock.
4. Replace the proposed removal of the existing short-duration vehicle transfer exception with a clear transport safe harbour for genuine transshipment, spelling, fatigue management, animal welfare and emergency stops where the underlying consignment remains in transit.
5. Clarify that 'person in charge' does not automatically make a driver responsible for upstream identification or information failures outside the driver's control.
6. Provide reasonable excuse and retrospective reporting arrangements for breakdowns, crashes, road closures, weather events, animal welfare interventions, authorised directions and other circumstances outside the carrier's control.
7. Provide explicit protections and alternative compliance pathways for technology, database and telecommunications failures.
8. Avoid duplicate movement documentation and record-keeping where information is already captured through NLIS or a recognised movement document.
9. Apply an education-first transition approach to inadvertent administrative non-compliance associated with commencement of universal sheep and goat eID and the remade Regulation.
10. Develop livestock carrier-specific implementation guidance with LBRCA before commencement, including worked examples for holding yards, split consignments, transshipment, temporary unloading and interstate movements.
11. Apply a consistent control and capacity principle throughout the Regulation: an obligation should sit with the supply chain participant who controls the relevant activity and has the practical ability to comply.



12. Require enforcement and compliance activity to identify the party that controlled the relevant obligation, rather than defaulting responsibility to the driver or carrier in physical possession of the livestock.

13. State in implementation guidance that carriers are not expected to absorb additional transport services and costs generated by another party's NLIS non-compliance, including detention, waiting time, additional kilometres, redirection, return movements and consequential scheduling impacts.

14. Ensure that where an NLIS failure attributable to another supply chain participant causes a load to be delayed, rejected, redirected or returned, the carrier is not exposed to regulatory liability for that failure merely because it must manage the transport consequences.

15. Expressly provide that physical custody of livestock during transport does not, of itself, transfer responsibility for identification, PIC, ownership, source, destination or database information created or controlled by another party.

Conclusion

LBRCA supports strong livestock traceability and recognises the central role of NLIS in biosecurity preparedness, disease response, food safety and market confidence.

The remake is an opportunity to strengthen traceability and clarify responsibilities. That requires the Regulation to reflect the practical division of responsibility across livestock owners, consignors, carriers, holding yard operators, saleyards, processors and receivers.

The person driving the truck should not become responsible for correcting compliance failures that occurred before the livestock reached the loading ramp. Equally, carriers should remain accountable for the transport related obligations that are genuinely within their control.

LBRCA looks forward to working with NSW DPIRD on the final Regulation, implementation guidance and the transition to universal sheep and goat eID.